

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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DENISE NEWTON,

Plaintiff,

vs.

CREDITORS SPECIALTY SERVICE, INC.,

Defendant.

2:13-cv-01721-MMD-VCF

**MINUTE ORDER**

Before the court is Plaintiff’s Motion to Reinstate Plaintiff’s Motion for Summary Judgment (ECF NO. 33). No opposition was filed. Hearings were held on June 16, 2016 and August 1, 2016 (ECF NOs. 38 & 40) Plaintiff seeks to enforce the confidential settlement agreement, to which the parties agreed during a settlement conference held in this case on September 11, 2015 (ECF. NO. 31). The court finds that Defendant has failed to make timely payments pursuant to the settlement agreement. Defendant has been given significantly more opportunity to cure these failures than required by the agreement but has remained in breach.

Therefore, the Court FINDS that the settlement is voided and this case must proceed.

IT IS HEREBY ORDERED that Plaintiff’s Motion to Reinstate Plaintiff’s Motion for Summary Judgment (ECF NO. 33) is GRANTED. Plaintiff’s Motion for Summary Judgment (ECF. NO. 25), which is fully briefed (ECF. Nos. 27 & 28), is reinstated and ready for decision.

IT IS FURTHER ORDERED that Defendant is entitled to an offset of \$4,950.00 against any amount ordered by the Court or otherwise obtained through further litigation of this matter.

DATED this 1st day of August, 2016.

CAM FERENBACH  
UNITED STATES MAGISTRATE JUDGE