

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

THOMAS DUBE, as Parent and Legal
Guardian of JORDAN DUBE, a minor,

Plaintiff(s),

v.

JENNIFER HOGAN, et al.,

Defendant(s).

Case No. 2:14-CV-495 JCM (VCF)

ORDER

Presently before the court is petitioner Jordan Dube’s motion for a disbursement of funds. (ECF No. 44). No timely responses have been filed.

On November 14, 2014, this court ordered that the proceeds of a compromise on behalf of the petitioner from AAA Insurance be deposited into a blocked trust account established with City National Bank.¹ (ECF No. 36). That order stated that “[b]y certification of the court which held the compromise hearing that . . . the beneficiary has reached the age of eighteen (18) years, control of the investment must be transferred to the beneficiary or the investment must be closed and the money distributed to the beneficiary.” (Id. at 2).

However, the parties later filed a stipulation to remand the case to state court because they agreed that the amount-in-controversy requirement for federal subject matter jurisdiction in this case was not met. (ECF No. 41); see also 28 U.S.C. § 1332(a). On December 12, 2014, this court granted that stipulation. (ECF No. 42).

Now, plaintiff has reached the age of eighteen years and wishes to access the blocked trust account. (ECF No. 44). However, this court’s order granting the parties’ stipulation to remand stated “this case is [remanded] to the Eighth Judicial District Court of Clark County, Nevada for

¹ “City National Bank [is] a federally insured financial institution in the State of Nevada, located at 2320 E. Tropicana Ave. Las Vegas, NV 89119.” (ECF No. 36 at 2).

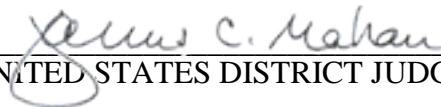
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

all future proceedings” (ECF No. 42 at 3 (emphasis added)). Therefore, the terms of that order to remand prevent any action by this court in the present case. (See id. at 2–3).

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the present motion for disbursement of funds, (ECF No. 44) be, and the same hereby is, DENIED pursuant to this court’s December 12, 2014, order (ECF No. 42).

DATED October 3, 2016.


UNITED STATES DISTRICT JUDGE