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 9 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

10 In re:

11 DANIEL TARKANIAN and  
 12 AMY TARKANIAN,

13 Debtors.

14 DANIEL TARKANIAN and  
 15 AMY TARKANIAN,

16 Appellants,

17 v.

18 FEDERAL DEPOSIT INSURANCE  
 CORPORATION, as Receiver for  
 19 La Jolla Bank, FSB,

20 Appellee.

21 FEDERAL DEPOSIT INSURANCE  
 CORPORATION, as Receiver for  
 22 La Jolla Bank, FSB,

23 Cross-Appellant,

24 v.

25 DANIEL TARKANIAN and  
 26 AMY TARKANIAN,

27 Cross-Appellees.

Case No. 2:14-cv-01250-RFB  
 Case No. 2:14-cv-01163-RFB

Case No.: BK-S-13-20495-MKN  
 Chapter 7

BK Appeal Reference No. 14-40

**STIPULATION AND ORDER  
 FOR DISMISSAL OF APPEALS  
 WITH PREJUDICE**

1 Appellants/Cross-Appellees, Daniel Tarkanian and Amy Tarkanian (collectively, the  
2 “Debtors” or “Appellants”), by and through their counsel, the law firm of Larson & Zirzow,  
3 LLC, and Appellee/Cross-Appellants, the Federal Deposit Insurance Corporation, as Receiver  
4 for La Jolla FSB (the “FDIC-R” and together with the Debtors, the “Parties”), by and through its  
5 counsel, the law firms of Nossaman, LLP and Sylvester & Polednak, Ltd., hereby respectfully  
6 stipulate and agree (the “Stipulation”) as follows:

7 1. On December 19, 2013, the Debtors filed their voluntary petition for relief under  
8 chapter 7 of title 11 of the United States Code in the United States Bankruptcy Court for the  
9 District of Nevada (the “Bankruptcy Court”), being Case No. BK-S-13-20495-MKN (the  
10 “Chapter 7 Case”). William A. Leonard, Jr. (the “Trustee”) was appointed as the chapter 7  
11 trustee over the Appellants’ Chapter 7 Case. The FDIC-R, who is the Appellants’ largest  
12 creditor, prosecuted the matters giving rise to the underlying decisions that form the basis of the  
13 above-captioned appeals (collectively, the “Appeals”).

14 2. This Court has jurisdiction over the Appeals and this Stipulation pursuant to 28  
15 U.S.C. § 158(a).

16 3. On February 12, 2015, the Debtors filed with the Bankruptcy Court a *Motion to*  
17 *Approve Settlement Pursuant to Bankruptcy Rule 9019 and to Dismiss All Claims Asserted in the*  
18 *Adversary Proceeding Including All Claims Seeking Denial of Discharge Pursuant to 11 U.S.C.*  
19 *§ 727 and Objecting to Discharge Pursuant to 11 U.S.C. § 523* (the “Settlement Motion”) [ECF  
20 No. 274].<sup>1</sup> The Settlement Motion sought approval from the Bankruptcy Court pursuant to Rule  
21 9019 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rule(s)”) of a proposed  
22 global settlement and compromise agreement between the Parties (the “Settlement  
23 Agreement”).<sup>2</sup>

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25 <sup>1</sup> All ECF number references are to the docket numbers in the Debtors’ Chapter 7 Case pending before the Bankruptcy  
26 Court. To the extent necessary, the Parties respectfully request that this Court take judicial notice of such underlying  
27 pleadings filed in the Bankruptcy Court pursuant to Fed. R. Evid. 201.

28 <sup>2</sup> Unless otherwise indicated, all capitalized terms herein shall have the same meaning as set forth in the Settlement  
Agreement. Nothing herein is intended or should be construed as altering or amending the Settlement Agreement.

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4. On March 30, 2015, the Bankruptcy Court entered an *Order Granting Motion to Approve Settlement Pursuant to Bankruptcy Rule 9019 and to Dismiss All Claims Asserted in the Adversary Proceeding Including All Claims Seeking Denial of Discharge Pursuant to 11 U.S.C. § 727 and Objecting to Discharge Pursuant to 11 U.S.C. § 523* (the “Settlement Order”) [ECF No. 52], thereby approving the Settlement Agreement in its entirety, and further authorizing and approving the Parties to effectuate and implement the Settlement Agreement in accordance with the terms and conditions.

5. Among other matters, and subject to the specific terms and conditions therein, including but not necessarily limited to the receipt of an Initial Payment, the Settlement Agreement provides that after receipt of the Initial Payment and confirmation of the same in readily available funds, the Parties would thereafter submit this Stipulation seeking the dismissal of the Appeals with prejudice. Further, by having made the Initial Payment and authorizing the submission of this Stipulation to this Court, the Parties further represent and warrant to each other that the Settlement Order is a “Final Order” within the meaning of the Settlement Agreement and/or the Parties have otherwise waived that requirement under the Settlement Agreement, and further that no present, existing defaults exist under the Settlement Agreement such that it may be implemented in accordance with the terms and conditions therein.

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1 NOW, THEREFORE, based on the foregoing, the Parties hereby respectfully request that  
2 these Appeals be fully and finally DISMISSED WITH PREJUDICE pursuant to Bankruptcy  
3 Rule 8001(c)(2), with each side to bear its own attorneys' fees and costs herein.

4 Dated: April 13, 2015

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6 By: /s/ Matthew C. Zirzow  
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18 **IT IS SO ORDERED.**

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22 RICHARD F. BOULWARE, II  
United States District Judge

23 DATED this 21st day of April, 2015.  
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