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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

10 In re: Case No. 2:14-cv-01250-RFB
11 DANIEL TARKANIAN and Case No. 2:14-cv-01163-RFB
12 AMY TARKANIAN, Case No.: BK-S-13-20495-MKN
13 Debtors. Chapter 7

14 DANIEL TARKANIAN and BK Appeal Reference No. 14-40
15 AMY TARKANIAN,
16 Appellants,
17 v.
18 FEDERAL DEPOSIT INSURANCE
19 CORPORATION, as Receiver for
20 La Jolla Bank, FSB,
21 Appellee.

22 FEDERAL DEPOSIT INSURANCE
23 CORPORATION, as Receiver for
24 La Jolla Bank, FSB,
25 Cross-Appellant,
26 v.
27 DANIEL TARKANIAN and
28 AMY TARKANIAN, Cross-Appellees.

**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].¹ 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”).²

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

Dated: April 13, 2015

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



RICHARD F. BOULWARE, II
United States District Judge

DATED this 21st day of April, 2015.