

ORIGINAL

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

9 JAMES W. PENGILLY, a Nevada resident,
 10 Plaintiff(s),
 11 v.

2:14-cv-01463-RFB-NJK

(Removed from Eighth Judicial District Court, Clark County, Nevada, Case No. A-14-695263-C)

12 NEVADA ASSOCIATION SERVICES, INC.,
 a Nevada corporation; MARK A. STUHMER,
 a Nevada resident; DOUGLAS L. CROOK, a
 13 Nevada resident; BILL BLANCHARD, a
 Nevada resident; KENNETH R. SAILLEY, a
 14 Nevada resident; ERIKA GEISER, a Nevada
 resident; KE ALOHA HOLDINGS, LLC, a
 15 Nevada Limited Liability Company; DOES I
 through X, inclusive; and ROE
 16 CORPORATIONS I through X, inclusive,

STIPULATION AND ORDER TO SET ASIDE DEFAULT AGAINST GREEN TREE SERVICING LLC

17 Defendants.
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1 KE ALOHA HOLDINGS, LLC, a Nevada
2 limited liability company,

3 Counterclaimant,

4 v.

5 JAMES W. PENGILLY, an individual;
6 AMANDA M. PENGILLY, an individual;
7 JAMES W. PENGILLY and AMANDA M.
8 PENGILLY, as trustees of the James W.
9 Pengilly Trust, dated September 22, 2003;
10 GREEN TREE SERVICING LLC, a Delaware
11 Limited Liability Company; UNITED STATES
12 INTERNAL REVENUE SERVICE; BANK
13 OF AMERICA, a National Association; and
14 any and all other persons unknown claiming
15 any right, title, estate, lien or interest in the
16 Property adverse to the Plaintiff's ownership,
17 or any cloud upon Plaintiff's title thereto
18 (DOES 1 through 10, inclusive);

19 Counterdefendants.

20 COMES NOW, GREEN TREE SERVICING, LLC ("Green Tree"), by and
21 through its attorneys of record, Brooks Hubley, LLP, and KE ALOHA HOLDINGS, LLC
22 (hereinafter "Ke Aloha"), and hereby stipulate and agree to a binding Court order as
23 follows:

24 **RECITALS**

1. Plaintiff James W. Pengilly filed this action in the Eighth Judicial District
Court, Clark County, Nevada, as Case No. A-14-695263-C;

2. Ke Aloha filed a Counterclaim in this action against Green Tree in the
Eighth Judicial District Court, Clark County, Nevada on June 24, 2014;

3. This matter was removed to this Court on September 11, 2014;

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1 4. Ke Aloha filed a Request for Entry of Clerk's Default against Green Tree
2 on April 30, 2015;

3 5. A Default was entered against Green Tree on April 30, 2015, and

4 6. The parties wish to set aside the Default to allow Green Tree to respond to
5 Ke Aloha's Counterclaim.

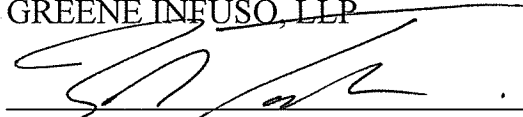
6 **STIPULATIONS**

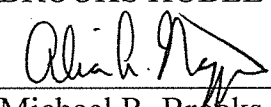
7 IT IS HEREBY STIPULATED between Ke Aloha and Green Tree that the Default
8 entered against Green Tree be set aside; and

9 Green Tree has twenty (20) days from the entry of this order to file its response to
10 Ke Aloha's Counterclaim.

11 Dated this 8th day of May, 2015.

Dated this 12th day of May, 2015.

12 GREENE INFUSO, LLP
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14 Michael V. Infuso
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15 Las Vegas, Nevada 89134
16 *Attorneys for Green Tree Servicing LLC*

17 **ORDER**

18 Based upon the above and foregoing Stipulation between Ke Aloha Holdings, LLC
19 and Green Tree Servicing LLC, and good cause appearing:

20 IT IS HEREBY ORDERED that the Default entered against Green Tree Servicing
21 LLC on April 30, 2015, is set aside; and

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IT IS FURTHER ORDERED that Green Tree has twenty (20) days from entry of this order to file a response to Ke Aloha's Counterclaim.

DATED this 31st day of May, 2015.

ORDER

IT IS SO ORDERED:



RICHARD F. BOULWARE, II
United States District Judge