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Attorneys for Plaintiff/Counterdefendant
GREEN TREE SERVICING LLC NOW
KNOWN AS DITECH FINANCIAL LLC

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GREEN TREE SERVICING LLC,

Plaintiff,

v.

VALENCIA MANAGEMENT LLC SERIES 4;
SILVERADO COURT LANDSCAPE
MAINTENANCE CORPORATION; DOES 1
through 10, inclusive; ROES Business Entities 1
through 10, inclusive; and all others who claim
interest in the subject property located at 10784
Teton Village Court, Henderson, NV 89052,

Defendant.

VALENCIA MANAGEMENT LLC SERIES 4, a
Nevada Limited Liability Company,

Counterclaim Plaintiff,

v.

GREEN TREE SERVICING LLC; DOES 1
through 10, inclusive; ROES CORPORATION 1
through 10, inclusive,

Counterclaim Defendants.

CASE NO. 2:15-cv-00725-JCM-PAL

STIPULATION AND ORDER DISMISSING
REMAINING CLAIMS AS MOOT AND
ENTERING FINAL JUDGMENT





1 VALENCIA MANAGEMENT LLC SERIES 4, a
2 Nevada Limited Liability Company,
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4 Third Party Plaintiff,
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6 v.
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8 SUSANNA MIZRAHI, an individual; DOE
9 INDIVIDUALS 1 through 10, inclusive; ROE
10 CORPORATIONS 1 through 10, inclusive,
11
12 Third Party Defendants.

13 The parties, by and through their undersigned counsel of record, hereby stipulate as follows:

14 WHEREFORE, on January 22, 2018, the Court issues its Order (ECF 119.) granting Plaintiff
15 GREEN TREE SERVICING LLC's now known as DITECH FINANCIAL, LLC (“Ditech”) Motion
16 for Summary Judgment;

17 WHEREFORE, the Court’s Order did not address Ditech’s claims for negligent
18 misrepresentation or unconstitutional statute;

19 WHEREFORE, in light of the Court’s Order granting summary judgment on Ditech’s claims
20 under 12 USC § 4617(j), Ditech’s claims for negligent misrepresentation and unconstitutional statute
21 have become moot;

22 WHEREFORE, the parties wish to obtain a final appealable judgment in this case;

23 ACCORDINGLY, IT IS HEREBY STIPULATED, that Ditech’s claims for negligent
24 misrepresentation and unjust enrichment are dismissed without prejudice;

25 IT IS FURTHER STIPULATED, that any statute of limitations, repose, or latches applicable
26 to Ditech’s claims for negligent misrepresentation and unjust enrichment are tolled, such that in the
27 event the Court’s order granting Ditech’s Motion for Summary Judgment (ECF 119.) is reversed on
28 appeal, Ditech may renew these claims in an amended pleading to be filed in the district court within
30 days of the filing in the district court of the mandate reversing such order.

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1 IT IS FURTHER STIPULATED, that the Clerk may issue final judgment in this case
2 pursuant to Fed. R. Civ. P. 54.

3 **IT IS SO STIPULATED.**

4 WOLFE & WYMAN LLP

CONNAGHAN/NEWBERRY LAW FIRM

5
6 By: /s Colt B. Dodrill
7 Colt B. Dodrill
8 Nevada Bar No. 9000
9 980 Kelly Johnson Drive, Suite 140
10 Las Vegas, NV 89119

By: /s Tara D. Newberry
Tara D. Newberry, Esq.
Nevada Bar No. 10696
7854 W. Sahara Avenue
Las Vegas, NV 89117

11 Attorneys for
12 Green Tree Servicing LLC, now known as
13 Ditech Financial LLC

Attorneys for
Valencia Management LLC Series 4

14 DATED: February 6, 2018

DATED: February 6, 2018

15 LEACH JOHNSON SONG & GRUCHOW

16 By: /s T. Chase Pittsenbarger
17 T. Chase Pittsenbarger, Esq.
18 Nevada Bar No. 13740
19 8945 W. Russell Road, Suite 330
20 Las Vegas, NV 89148

21 Attorneys for
22 Silverado Court LMC

23 DATED: February 6, 2018

24 **IT IS SO ORDERED.**

25 DATED: February 8, 2018

26 James C. Mahan
27 UNITED STATES DISTRICT JUDGE
28



1 **CERTIFICATE OF SERVICE**

2 On February 6, 2018, I served the **STIPULATION AND ORDER DISMISSING**
3 **REMAINING CLAIMS AS MOOT AND ENTERING FINAL JUDGMENT** by the following
4 means to the persons as listed below:

5 X a. ECF System (you must attach the “Notice of Electronic Filing”, or list
6 all persons and addresses and attach additional paper if necessary):

7 Sean L. Anderson sanderson@leachjohnson.com, kgruchow@leachjohnson.com,
8 pgutierrez@leachjohnson.com, rcallaway@leachjohnson.com, reed@leachjohnson.com,
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11 kseckinger@cnlawlv.com, myecfcnlaw@gmail.com, nkhoury@cnlawlv.com,
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13 Timothy C. Pittsenbarger cpittsenbarger@leachjohnson.com,
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15 _____ b. United States Mail, postage fully pre-paid (List persons and addresses.
16 Attach additional paper if necessary)

17 /s/ Kathy Hagmaier
18 By: KATHY HAGMAIER
19 An employee of Wolfe & Wyman LLP
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