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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.

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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,

3 Third Party Plaintiff,

4 v.

5 SUSANNA MIZRAHI, an individual; DOE  
6 INDIVIDUALS 1 through 10, inclusive; ROE  
7 CORPORATIONS 1 through 10, inclusive,

8 Third Party Defendants.

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

10 WHEREFORE, on January 22, 2018, the Court issues its Order (ECF 119.) granting Plaintiff  
11 GREEN TREE SERVICING LLC's now known as DITECH FINANCIAL, LLC ("Ditech") Motion  
12 for Summary Judgment;

13 WHEREFORE, the Court's Order did not address Ditech's claims for negligent  
14 misrepresentation or unconstitutional statute;

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

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

19 ACCORDINGLY, IT IS HEREBY STIPULATED, that Ditech's claims for negligent  
20 misrepresentation and unjust enrichment are dismissed without prejudice;

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

  
UNITED STATES DISTRICT JUDGE



**CERTIFICATE OF SERVICE**

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

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

Sean L. Anderson [sanderson@leachjohnson.com](mailto:sanderson@leachjohnson.com), [kgruchow@leachjohnson.com](mailto:kgruchow@leachjohnson.com), [pgutierrez@leachjohnson.com](mailto:pgutierrez@leachjohnson.com), [rcallaway@leachjohnson.com](mailto:rcallaway@leachjohnson.com), [reed@leachjohnson.com](mailto:reed@leachjohnson.com), [tlangley@leachjohnson.com](mailto:tlangley@leachjohnson.com)

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\_\_\_\_\_ b. United States Mail, postage fully pre-paid (List persons and addresses. Attach additional paper if necessary)

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



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