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6 *Attorneys for Defendant Nevada Property 1 LLC*
a Delaware Limited Liability Company doing
 7 *business as The Cosmopolitan of Las Vegas*

8
 9 **UNITED STATES DISTRICT COURT**
 10 **DISTRICT OF NEVADA**

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 12 MORRIS SCHNEIDER WITTSTADT, LLC,
 a Georgia Limited Liability Company; and
 13 LANDCASTLE ACQUISITION, CORP., a
 Delaware Corporation,

14 Plaintiffs,

15 vs.

16 NEVADA PROPERTY 1 LLC, a Delaware
 17 Limited Liability Company doing business as
 THE COSMOPOLITAN OF LAS VEGAS,

18 Defendant.

Case No. 2:15-cv-01175-RFB-VCF

**[PROPOSED] ORDER GRANTING
 THE COSMOPOLITAN OF LAS
 VEGAS'S MOTION TO DISMISS FOR
 LACK OF SUBJECT MATTER
 JURISDICTION [Doc. 18]**

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 20 This matter came before the Court as a result of Defendant Nevada Property 1 LLC dba
 21 The Cosmopolitan of Las Vegas's (hereinafter "Cosmopolitan") Motion to Dismiss for Lack of
 22 Subject Matter Jurisdiction [Doc. 18] (the "Motion"). The Motion was filed on October 2, 2015.
 23 On October 13, 2015, Plaintiffs Morris Schneider Wittstadt, LLC and Landcastle Acquisition,
 24 Corp. (hereinafter "Plaintiffs") filed a Notice of Non-Opposition [Doc. 19] to the Cosmopolitan's
 25 Motion.

26 The Court, having considered the papers, being fully advised in the premises and good
 27 cause appearing therefor, hereby finds and orders as follows:

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THIS COURT FINDS that it lacks subject matter jurisdiction over this action based on the citizenship of the parties.

IT IS THEREFORE ORDERED that the Motion is GRANTED. Plaintiffs' First Amended Complaint [Doc. 16] is hereby dismissed, WITHOUT PREJUDICE, for lack of subject matter jurisdiction.

IT IS FURTHER ORDERED that Plaintiffs may re-file this action as permitted by NRS 11.500.

DATED this 3rd day of March, 2016.



RICHARD F. BOULWARE, II
United States District Judge

Respectfully submitted by:

**WEINBERG, WHEELER, HUDGINS,
GUNN & DIAL, LLC**



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Approved as to Form by:

Kolesar & Leatham

/s/ Colby L. Balkenbush

By: _____
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Morris Schneider Wittstadt, LLC, and Landcastle Acquisition Corp.,