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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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THE BANK OF NEW YORK MELLON  
FKA THE BANK OF NEW YORK, AS  
SUCCESSOR TO JPMORGAN CHASE  
BANK, N.A., AS TRUSTEE FOR THE  
HOLDERS OF THE MLMI SURF TRUST,  
MORTGAGE LOAN ASSET-BACKED  
CERTIFICATES, SERIES 2005-AB1,

Plaintiffs,

v.

ELKHORN COMMUNITY ASSOCIATION;  
7321 WANDERING STREET TRUST;  
DOE INDIVIDUALS I-X, inclusive; and  
ROE CORPORATIONS I-X, inclusive,

Defendants.

Case No. 2:15-cv-1272-APG-PAL

**ORDER DENYING MOTION FOR  
SUMMARY JUDGMENT**

(ECF No. 34)

15 On February 18, 2016, I granted the motion to dismiss filed by defendant 7321 Wandering  
16 Street Trust and ordered the complaint dismissed. ECF No. 31. The clerk's judgment was entered  
17 the same day. ECF No. 32. On March 17, 2016, defendant 7321 Wandering Street Trust filed a  
18 motion for summary judgment. ECF No. 34. Because the complaint has been dismissed, the motion  
19 for summary judgment is moot. Similarly, because the complaint was dismissed, the defendants  
20 cannot be liable to the plaintiff; therefore, the defendants have no claims against the third-party  
21 defendant. Thus, the third-party defendant's motion for summary judgment (ECF No. 30) is  
22 likewise moot

23 **IT IS THEREFORE ORDERED** that the motion for summary judgment (**ECF No. 34**) is  
24 **DENIED AS MOOT.**

25 Dated: April 15, 2016.

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ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE