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

10 NATIONSTAR MORTGAGE, LLC,

Case No.: 2:15-cv-01636-RCJ-CWH

11 Plaintiff,

**STIPULATION AND ORDER TO
DISMISS CLAIMS PURSUANT TO
FRCP 41 WITHOUT PREJUDICE**

12 vs.

13
14 LVDG, LLC; ALESSI & KOENIG, LLC;
15 SUTTER CREEK HOMEOWNERS
16 ASSOCIATION; DOE INDIVIDUALS I
through X, inclusive; and ROE
CORPORATIONS XI through XX, inclusive,

17 Defendants.

18 Plaintiff, NATIONSTAR MORTGAGE, LLC, ("Nationstar"), by and through its
19 counsel of record, Wright, Finlay & Zak, LLP, and Defendants, LVDG, LLC, ("BUYER") by
20 and through its counsel of record, Roger P. Croteau & Associates, LTD. and SUTTER CREEK
21 HOMEOWNERS ASSOCIATION, ("HOA") and ALESSI & KOENIG, LLC, by and through
22 their counsel of record, HOA Lawyers Group, LLC, hereby stipulate as follows:

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1 1. Pursuant to FRCP 41(A)(ii), Nationstar hereby dismisses its claims against the
2 HOA and Alessi & Koenig, LLC without prejudice.

3 2. The parties further agree that, upon the approval of the instant stipulation and the
4 dismissal of all claims against the HOA and Alessi & Koenig, LLC, all claims at issue herein
5 have been resolved. As a result, the March 6, 2017 Order on Nationstar's Motion for Summary
6 Judgment shall be considered a final judgment on Nationstar's claims of Quiet Title and
7 Declaratory Relief, effective as of the entry of the order approving this stipulation, for purposes
8 of an appeal.

9 DATED ~~this~~ this 15th day of June, ~~DATED this 15th day of June, 2017~~
10 2017. ~~DATED~~ this day of, 2017.

11 WRIGHT, FINLAY & ZAK, LLP

ROGER P. CROTEAU & ASSOCIATES

12
13 /s/ Jamie S. Hendrickson _____

/s/ Timothy E. Rhoda _____

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18
19 ~~DATED this 15th day of June, 2017~~
~~DATED~~

20 this day of, 2017.

21 HOA LAWYERS GROUP, LLC

22
23 /s/ Steven T. Loizzi, Jr. _____

24 Steven T. Loizzi, Jr., Esq.
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26 9500 West Flamingo Road, Suite 204
27 Las Vegas, Nevada 89147
Attorney for Defendant, Sutter Creek Homeowners Association and Alessi & Koenig, LLC

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ORDER

The parties seek dismissal of this action pursuant to Rule 41(a) of the Federal Rules of Civil Procedure. Rule 41(a)(1), in relevant part, reads:


an action may be dismissed by the plaintiff without order of court (i) by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs, or (ii) by filing a stipulation of dismissal signed by all parties who have appeared in the action. Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice, except that a notice of dismissal operates as an adjudication upon the merits when filed by a plaintiff who has once dismissed in any court of the United States or of any state an action based on or including the same claim.

Rule 41(a)(1)(ii) thus allows the parties to dismiss an action voluntarily, after service Rule 41(a)(1)(ii) thus allows the parties to dismiss an action voluntarily, after service of an answer, by filing a written stipulation to dismiss signed by all of the parties who have appeared, although an oral stipulation in open court will also suffice. Carter v. Beverly Hills Sav. & Loan Asso., 884 F.2d 1186, 1191 (9th Cir. 1989); Eitel v. McCool, 782 F.2d 1470, 1472-73 (9th Cir. 1986). Because Plaintiff has filed a stipulation for dismissal without prejudice as to all parties under Rule 41(a)(1)(ii) that is signed by all parties who have made an appearance, this case has terminated. See Fed. R. Civ. Pro. 41(a)(1)(ii); In re Wolf, 842 F.2d at466.

Therefore, IT IS HEREBY ORDERED that this action is DISMISSED and the Clerk of the Court is DIRECTED to close this case in light of the parties' filed and signed Rule 41(a)(1)(ii) Stipulation For Dismissal Without Prejudice.

IT IS SO ORDERED.

Dated: 7-20-2017


UNITED STATES DISTRICT JUDGE