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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROBERT LAFAYETTE,

Plaintiff,

v.

WELLS FARGO BANK NATIONAL
ASSOCIATION; NATIONAL DEFAULT
SERVICING CORPORATION,

Defendants.

Case No. 2:16-cv-00023-RFB-NJK

**ORDER OF
CANCELLATION/EXPUNGEMENT OF
NOTICE OF LIS PENDENS**

Defendant WELLS FARGO BANK, N.A.'s ("Wells Fargo") Motion to Dismiss (ECF No. 5), Motion to Cancel/Expunge Lis Pendens (ECF No. 4) and Motion to Shorten Time to Cancel/Expunge Lis Pendens (ECF No. 23) coming on for hearing before the Court on February 14, 2017 at 4:30 p.m.¹, with counsel Jory C. Garabedian, Esq. present on behalf of Wells Fargo and Plaintiff ROBERT LAFAYETTE ("Lafayette") not present before the Court, the Court hereby finds and orders as follows:

THE COURT FINDS that Lafayette has filed a Notice of Voluntary Dismissal on February 1, 2017 (ECF No. 26) and February 13, 2017 (ECF No. 28) before the filing or service of an answer or motion for summary judgment. Therefore, the above-entitled action has been voluntarily dismissed without prejudice under Fed. R. Civ. P. 41(a)(1)(A), making the pending Motion to Dismiss moot.

¹ The hearing was scheduled for 4:00 p.m., but the Court began the hearing at 4:30 p.m. after waiting 30 minutes to see if Lafayette was going to appear.

1 THE COURT FURTHER FINDS that in light of Lafayette's voluntarily dismissal under
2 Fed. R. Civ. P. 41(a)(1)(A), there is no action or basis under NRS 14.010 for any remaining lis
3 pendens recorded as a result of the above-captioned action to remain on title to that real property
4 commonly known as 9578 Adobe Arch Court, Las Vegas, Nevada 89148 (hereinafter the
5 "Property").

6 **THEREFORE**, the Court strikes the minute order issued on February 10, 2016 and
7 recognizes that the above-captioned action is considered dismissed without prejudice pursuant to
8 Fed. R. Civ. P. 41(a)(1)(A).

9 **IT IS FURTHER ORDERED** that the Notice of Lis Pendens recorded on January 7, 2016
10 in the office of the Clark County Recorder as document/instrument 20160107-0002969, the Notice
11 of Lis Pendens recorded on February 2, 2016 in the Office of the Clark County Recorder as
12 document/instrument 20160202-0000794, as well as any other notices of lis pendens, or notice of
13 pendency of action, recorded on the Property as a result of the above-captioned action, are hereby
14 cancelled and expunged from record.

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16 **DATED:** March 21, 2017.

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20 **RICHARD F. BOULWARE, II**
21 **UNITED STATES DISTRICT JUDGE**