

BALLARD SPAHR LLP
100 NORTH CITY PARKWAY, SUITE 1750
LAS VEGAS, NEVADA 89106
(702) 471-7000 FAX (702) 471-7070

1 Abran E. Vigil
2 Nevada Bar No. 7548
3 Sylvia O. Semper
4 Nevada Bar No. 12863
5 Holly A. Priest
6 Nevada Bar No. 13226
7 BALLARD SPAHR LLP
8 100 North City Parkway, Suite 1750
9 Las Vegas, Nevada 89106-4617
10 Telephone: (702) 471-7000
11 Facsimile: (702) 471-7070
12 vigila@ballardspahr.com
13 sempers@balladrspahr.com
14 priesth@ballardspahr.com

15 *Attorneys for Defendant U.S. Bank National*
16 *Association, As Trustee, Successor in Interest*
17 *to Bank of America, National Association as*
18 *Trustee as Successor by Merger to LaSalle*
19 *Bank, National Association as Trustee for*
20 *Washington Mutual Mortgage Pass-Through*
21 *Certificates WMALT Series 2007-OCI Trust*

22 UNITED STATES DISTRICT COURT
23 DISTRICT OF NEVADA

24 ITALSPAIN CORPORATION,
25
26 Plaintiff,

2:16-cv-00308-APG-GWF

27 v.

28 JASON MOORE; THE MORTGAGE
STORE FINANCIAL, INC., a California
Corporation; U.S. BANK NATIONAL
ASSOCIATION, AS TRUSTEE,
SUCCESSOR IN INTEREST TO BANK
OF AMERICA, NATIONAL
ASSOCIATION AS SUCCESSOR BY
MERGER TO LASALLE BANK,
NATIONAL ASSOCIATION AS
TRUSTEE FOR WASHINGTON
MUTUAL MORTGAGE PASS-
THROUGH CERTIFICATES WMALT
SERIES 2007-OC1 TRUST; STATE OF
NEVADA, DEPARTMENT OF
EMPLOYMENT, TRAINING &
REHABILITATION, EMPLOYMENT
SECURITY DIVISION; and
SUMMERLIN HOSPITAL MEDICAL
CENTER,

ORDER

Defendants.

1 **STIPULATION AND ORDER FOR REMAND TO STATE COURT**

2 Defendant U.S. Bank N.A. (“U.S. Bank”) and Plaintiff, Italspain Corporation
3 (“Plaintiff”), through their counsel of record, stipulate to remand of this action to
4 state court as follows:

5 1. This action was originally filed in Nevada State Court. (Docket Entry 1-
6 1.)

7 2. The Complaint does not allege the citizenship of Plaintiff or any of the
8 defendants. (Id.)

9 3. U.S. Bank removed the case to this Court based on diversity jurisdiction.
10 (Docket Entry 1.)

11 4. On March 18, 2016, the Court ordered U.S. Bank to show cause why this
12 action should not be remanded to state court for lack of subject matter jurisdiction.
13 (Docket Entry 12.)

14 5. On May 27, 2016, the Court granted the parties 90 days to conduct
15 jurisdictional discovery. (Docket Entry 22.)

16 6. The Court also directed U.S. Bank to file a brief and present evidence to
17 establish, by a preponderance of the evidence, that on the date of removal the
18 parties in this case were diverse and the amount in controversy exceeded \$75,000.
19 (Id.)

20 7. The parties do not believe it would be fruitful to engage in costly
21 jurisdictional discovery and briefing of the jurisdictional issue given the relatively
22 modest amount in controversy.

23 ////

24 ////

25 ////

26 ////

27 ////

28 ////


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

8. For these reasons, the parties stipulate and agree, subject to the approval of the Court, that this case be remanded to Nevada Eighth District Court Case Number A-15-729282-C.

IT IS SO STIPULATED.

<p>LAW OFFICES OF MICHAEL F. BOHN, ESQ., LTD</p> <p>By: <u>/s/ Michael F. Bohn</u> Michael F. Bohn, Esq. Nevada Bar No. 1641 376 East Warm Springs Rd., Suite 140 Las Vegas, Nevada 89119</p> <p><i>Attorney for Plaintiff ItalSpain Corporation</i></p>	<p>BALLARD SPAHR LLP</p> <p>By: <u>/s/ Justin A. Shiroff</u> Abran E. Vigil Nevada Bar No. 7548 Justin A. Shiroff Nevada Bar No. 12869 Holly Ann Priest Nevada Bar No. 13226 100 North City Parkway, Suite 1750 Las Vegas, Nevada 89106</p> <p><i>Attorneys for Defendant U.S. Bank National Association, As Trustee, Successor in Interest to Bank of America, National Association as Trustee as Successor by Merger to LaSalle Bank, National Association as Trustee for Washington Mutual Mortgage Pass-Through Certificates WMALT Series 2007-OCI Trust</i></p>
--	--

IT IS SO ORDERED:


UNITED STATES DISTRICT JUDGE

DATED: July 20, 2016