

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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## ELIZON MASTER PARTICIPATION TRUST 1, et al.,

Case No. 2:16-CV-751 JCM (VCF)

## ORDER

**Plaintiff(s),**

V.

SATICOY BAY LLC SERIES 8920  
EL DIABLO, et al.,

Defendant(s).

Presently before the court is plaintiff Elizon Master Participation Trust I, U.S. Bank Trust National Association, as Owner Trustee's ("Elizon") motion for relief pursuant to Federal Rule of Civil Procedure 60(b)(1). (ECF No. 47). No timely response has been filed. (ECF No. 48).

This court’s March 16, 2017, order dismissed plaintiff’s unjust enrichment, wrongful foreclosure, negligence, and negligence per se claims as unexhausted because there was no indication on the record that the Nevada Real Estate Division’s (“NRED”) mandatory mediation had been completed. See Nev. Rev. Stat. §§ 38.310, 38.330; see also (ECF No. 45).

Elizon now submits that mediation was completed on December 20, 2016, providing three exhibits evincing the same. (ECF No. 47); see also (ECF Nos. 47-1–47-3). These exhibits show that mediation occurred between Elizon, Silverstone Ranch Community Association, and Hampton & Hampton Collections, LLC.<sup>1</sup> (“H&H”). (ECF Nos. 47-1–47-3). Notably, it appears that Saticoy Bay LLC Series 8920 El Diablo was also present at the mediation. (ECF No. 47-3); see also LR 7-2(d).

<sup>1</sup> H&H was not present at the mediation hearing, but the mediator indicates that he sent it notice of the proceeding. See (ECF Nos. 47-2, 47-3).

**James C. Mahan  
U.S. District Judge**

Therefore, plaintiff's claims for unjust enrichment, wrongful foreclosure, negligence, and negligence per se have been administratively exhausted. Thus, this court will grant plaintiff's motion for relief from this court's dismissal of those claims in its March 16, 2017, order. (ECF No. 47).

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff's motion (ECF No. 47) be, and the same hereby is, GRANTED.

IT IS FURTHER ORDERED that plaintiff's claims for unjust enrichment, wrongful foreclosure, negligence, and negligence per se are reinstated as viable claims in the complaint.

DATED May 19, 2017.

James C. Mahan  
UNITED STATES DISTRICT JUDGE