

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 GERARDO HERRERA, et al.,)

4 Plaintiffs,)

5 vs.)

6 NATIONSTAR MORTGAGE, LLC, et al.,)

7 Defendants.)

Case No.: 2:16-cv-01043-GMN-GWF

ORDER

8
9 Pending before the Court is the Motion to Expunge the Lis Pendens, (ECF No. 42), filed
10 by Defendant Nationstar Mortgage, LLC (“Defendant”). Upon a motion, the Court must
11 dissolve a lis pendens if the recording party fails to demonstrate: (1) a likelihood of prevailing
12 in the action; or (2) a fair chance of success and serious hardship that could result from a
13 transfer of the property. Nev. Rev. Stat. 14.015(3); see also Levinson v. Eighth Judicial Dist.
14 Court, 857 P.2d 18, 20-21 (Nev. 1993).

15 Here, Plaintiffs Gerardo Herrera and Estate of Genny Herrera (collectively “Plaintiffs”)
16 have failed to file a Response, and the deadline to do so expired on July 19, 2017. Thus,
17 pursuant to Local Rule 7-2(d), the Court finds that Plaintiffs have consented to the granting of
18 the Motion. See D. Nev. R. 7-2(d) (“The failure of an opposing party to file points and
19 authorities in response to any motion . . . constitutes a consent to the granting of the motion.”).
20 Moreover, the Court finds that expunction of the lis pendens is warranted because all of
21 Plaintiffs’ claims have been dismissed with prejudice. See, e.g., Wensley v. First Nat. Bank of
22 Nevada, 874 F. Supp. 2d 957, 968 (D. Nev. 2012) (expunging a lis pendens after dismissing a
23 complaint with prejudice).

24 ///

25 ///


1 Accordingly,

2 **IT IS HEREBY ORDERED** that the Motion to Expunge the Lis Pendens, (ECF No.
3 42), is **GRANTED**.

4 **IT IS FURTHER ORDERED** that the notice of lis pendens filed and recorded by or on
5 behalf of Plaintiffs on the property located at 586 Jackson Drive, Henderson, Nevada 89014
6 (APN 178-04-713-031) with the Clark County Recorder's Office as instrument number
7 201606010003375 is hereby cancelled and expunged.

8 **IT IS FURTHER ORDERED** that Defendant shall record a copy of this Order with the
9 Clark County Recorder's Office within seven (7) days of its issuance.

10 **DATED** this 19 day of October, 2017.

11
12 
13 _____
14 Gloria M. Navarro, Chief Judge
15 United States District Court
16
17
18
19
20
21
22
23
24
25