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1	UNITED STATES I	NSTRICT COURT
2	DISTRICT OF NEVADA	
3	* * *	
4	TALMER BANK AND TRUST, Case No. 2:16-cv-01290-APG-CWH	
5	Plaintiff,	
6	v.	ORDER FOR SUPPLEMENT
7	VALLEY BANK OF NEVADA,	
8	Defendant.	
9		
10	Plaintiff Talmer Bank and Trust filed this lawsuit alleging that defendant Valley Bank of	
11	Nevada breached a participation agreement between the banks by extending the loan's maturity	
12	date without Talmer's consent. Talmer moved for summary judgment, arguing it was entitled to	
13	\$414,447.72 in damages. That amount was justified by a conclusory affidavit by Talmer's Vice	
14	President, Brian Kubala, of the amount owed, without any explanation of what amounts were	
15	included in that sum. ECF No. 17-1 at 6.	
16	As the briefing on summary judgment concluded, the borrower sold the property and	
17	Talmer received a loan payoff in the amount of \$380,225.19. ECF No. 32 at 1. Valley Bank thus	
18	suggests this case is moot because Talmer has received the loan payoff. ECF No. 32 at 2.	
19	According to Valley Bank, the discrepancy in the amount paid versus what Talmer requests in its	
20	summary judgment motion is explained by Talmer's request for attorney's fees. ECF No. 32 at	
21	14-19. But Valley Bank asserts Talmer has no legal or contractual basis to request those fees.	
22	Talmer has not responded to these developments. Nor has Talmer identified any basis for	
23	an attorney's fee award. I therefore direct Talmer to file a supplemental brief addressing Valley	
24	Bank's contention that this case is moot given the payoff of Talmer's participation in the loan. In	
25	the alternative, the parties can stipulate to dismiss the case if all issues are now resolved.	
26	IT IS THEREFORE ORDERED that on or before December 15, 2017, plaintiff Talmer	
27	Bank and Trust shall file a supplemental brief addressing whether this case is moot.	
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1	IT IS FURTHER ORDERED that defendant Valley Bank of Nevada may file a response	
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	within ten days of receiving Talmer's supplemental brief.	
3	DATED this 22nd day of November, 2017.	
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5	ANDREW P. GORDON UNITED STATES DISTRICT JUDGE	
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