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9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE, SUCCESSOR IN
13 INTEREST TO WACHOVIA BANK, N.A.
AS TRUSTEE FOR MLMI 2005-A8,

14 Plaintiff,

15 vs.

16 LVDG LLC SERIES 114, a Nevada
limited liability company; AIRMOTIVE
17 INVESTMENTS LLC, a Nevada limited
liability company; LA MANCHA
18 HOMEOWNERS ASSOCIATION, INC., a
Nevada non-profit corporation,

19 Defendants.

Case No. 2:17-cv-00285-JAD-PAL

**ORDER GRANTING
JOINT MOTION TO DISMISS LA
MANCHA HOMEOWNERS
ASSOCIATION, INC.**

ECF No. 18, 24

20
21 Plaintiff U.S. Bank National Association, As Trustee, Successor in Interest to
22 Wachovia Bank, N.A. as Trustee for MLMI 2005-A8 (“U.S. Bank”), by and through its
23 attorney, Ballard Spahr, LLP and Defendant La Mancha Homeowners Association,
24 Inc. (the “HOA”)(collectively, the “Parties”) by and through its attorney, Boyack,
25 Orme & Anthony jointly move to dismiss Defendant La Mancha Homeowners
26 Association. The Parties state:

27 1. On January 31, 2017, U.S. Bank filed a complaint, naming the HOA as a
28 party.

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1 2. Plaintiff agrees to dismiss the HOA with prejudice.

2 3. The Parties agree that the HOA, although no longer a party to this case,
3 shall be bound by and cooperate in the enforcement of any final judgment that this
4 Court enters regarding quieting title and declaratory relief as between the remaining
5 Defendants, Plaintiff, and any other party, regarding their respective interests in
6 property located at 3232 La Mancha Way, Henderson, Nevada 89014.

7 4. The HOA further agrees to respond to any third party discovery
8 propounded on it after the HOA's dismissal in accordance with the Scheduling Order
9 in this matter.

10 5. The HOA and Plaintiff shall each bear its own fees and costs incurred in
11 this matter, and the HOA hereby waives any and all rights to recover costs and fees
12 from Plaintiff that either have arisen, or that may arise in the future, based on the
13 offer of judgment that the HOA served on Plaintiff earlier in this action.

14 6. The HOA and Plaintiff further agree that the Motion to Dismiss filed by
15 the HOA on April 10, 2017 is rendered moot [ECF 18] by this stipulation and that the
16 hearing set for May 22, 2017 is also moot [ECF 19].

17 Dated: April 24, 2017

Dated: April 24, 2017

18 BOYACK ORME & ANTHONY

BALLARD SPAHR LLP

19
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By: /s/ Holly Ann Priest
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27 *Attorney for La Mancha*
28 *Homeowners Association*

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ORDER

Based on the parties' joint motion and good cause appearing, IT IS HEREBY ORDERED that the Joint Motion to Dismiss [ECF No. 24] is **GRANTED**; all claims against the La Mancha Homeowners Association, Inc. are **DISMISSED** with prejudice, each side to bear its own fees and costs.

IT IS FURTHER ORDERED that the HOA's Motion to Dismiss [ECF No. 18] is **DENIED** as moot, and the 5/22/17 hearing is **VACATED**.

IT IS FURTHER ORDERED that the HOA shall be bound by and cooperate in the enforcement of any final judgment that this Court enters on the claims for quieting title and declaratory relief as between the remaining Defendants, Plaintiff, and any other party, regarding priority of the respective interests in title to the Subject Property.



U.S. District Judge Jennifer Dorsey
4/25/17