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WRIGHT, FINLAY & ZAK, LLP  
Edgar C. Smith, Esq.  
Nevada Bar No. 5506  
Victoria L. Hightower, Esq.  
Nevada Bar No. 10897  
7785 W. Sahara Ave., Suite 200  
Las Vegas, NV, 89117  
(702) 475-7967; Fax: (702) 946-1345  
[vhightower@wrightlegal.net](mailto:vhightower@wrightlegal.net)  
*Attorneys for Plaintiff, The Bank of New York Mellon fka The Bank of New York, as Trustee for the Certificateholders of CWALT, Inc., Alternative Loan Trust 2005-85CB, Mortgage Pass-Through Certificates, Series 2005-85CB*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

THE BANK OF NEW YORK MELLON, fka  
THE BANK OF NEW YORK, AS  
TRUSTEE FOR THE  
CERTIFICATEHOLDERS OF CWALT,  
INC., ALTERNATIVE LOAN TRUST 2005-  
85CB, MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2005-85CB,  
  
Plaintiff,  
  
vs.  
  
POSHBABY, LLC SERIES 1497 HIALEAH  
DR. # D; SUNDANCE HOMEOWNERS  
ASSOCIATION, INC.,  
  
Defendants.

Case No.: 2:17-cv-01335-RFB-NJK

**STIPULATION AND ORDER TO  
DISMISS ACTION WITH PREJUDICE  
PURSUANT TO A SETTLEMENT  
AGREEMENT**

COMES NOW, Plaintiff, The Bank of New York Mellon fka The Bank of New York, as Trustee for the Certificateholders of CWALT, Inc., Alternative Loan Trust 2005-85CB, Mortgage Pass-Through Certificates, Series 2005-85CB (“BONY”), by and through its attorneys of record WRIGHT, FINLAY & ZAK, LLP, Defendant, Sundance Homeowners Association,

1 Inc. (“HOA”), by and through its attorneys of record LIPSON, NEILSON, COLE SELTZER &  
2 GARIN, P.C., and Poshbaby, LLC Series 1497 Hialeah Dr. #D (“Poshbaby”), hereby stipulate to  
3 dismiss this action with prejudice pursuant to execution of a settlement agreement. BONY, HOA  
4 and Poshbaby agree to bear their own costs and fees; therefore

5  
6 IT IS HEREBY STIPULATED that this action filed in the United States District Court,  
7 District of Nevada as Case Number 2:17-cv-01335-RFB-NJK is hereby dismissed with prejudice  
8 pursuant to a settlement agreement executed by and between BONY, HOA and Poshbaby; and

9 IT IS FURTHER STIPULATED that all parties shall bear their own costs and fees.

10 DATED this 17<sup>th</sup> day of January, 2018.

11 WRIGHT FINLAY & ZAK, LLP

LIPSON, NEILSON, COLE, SELTZER &  
GARIN, P.C.

12  
13 /s/ Victoria L. Hightower

/s/ David T. Ochoa

14 Victoria L. Hightower, Esq.  
15 Nevada Bar No. 10897  
16 7785 W. Sahara Ave., Suite 200  
17 Las Vegas, NV 89117  
18 *Attorneys for Plaintiff, The Bank of New York  
Mellon fka The Bank of New York, as Trustee  
for the Certificateholders of CWALT, Inc.,  
Alternative Loan Trust 2005-85CB,  
Mortgage Pass-Through Certificates, Series  
2005-85CB*

David T. Ochoa, Esq.  
Nevada Bar No. 10897  
9900 Covington Cross Dr., Ste. 120  
Las Vegas, NV 89144  
*Attorneys for Defendant, Sundance  
Homeowners' Association*

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20  
21 AYON LAW, PLLC.

22 /s/ Luis A. Ayon

23 Luis A. Ayon, Esq.  
24 Nevada Bar No. 9752  
25 9205 W. Russell Rd., Bldg. 3, Ste. 240  
26 Las Vegas, NV 89148  
27 *Attorneys for Defendant, Poshbaby LLC  
Series 1497 Hialeah Dr. # D*

**ORDER**

**IT IS SO ORDERD.**

DATED this 22nd day of January, 2018.



\_\_\_\_\_  
RICHARD F. BOULWARE, II  
United States District Judge

Submitted by:

WRIGHT FINLAY & ZAK, LLP

/s/ Victoria L. Hightower

Victoria L. Hightower, Esq.

Nevada Bar No. 10897

7785 W. Sahara Ave., Suite 200

Las Vegas, NV 89117

*Attorneys for Plaintiff, The Bank of New York*

*Mellon fka The Bank of New York, as Trustee*

*for the Certificateholders of CWALT, Inc.,*

*Alternative Loan Trust 2005-85CB, Mortgage*

*Pass-Through Certificates, Series 2005-85CB*