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10 *Attorneys for Caterpillar Financial Services*
11 *Corporation*

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 In re: CAPRIATI CONSTRUCTION CORP. INC.,
15 Debtor.

Case No. 15-15722-abl
Chapter 11

16 NATIONS FUND I, LLC,
17 Plaintiff,

Adversary No. 16-01037-abl

18 v.

Appeal Reference Number: 17-45

19 CATERPILLAR FINANCIAL SERVICES
20 CORPORATION; CAPRIATI CONSTRUCTION
21 CORP. INC.,

USDC Number: 17-cv-02637-RFB

22 Defendants.

**STIPULATION AND ORDER FOR
DISMISSAL WITH PREJUDICE**

23 CATERPILLAR FINANCIAL SERVICES
24 CORPORATION,
25 Cross-Claimant,

26 v.

27 CAPRIATI CONSTRUCTION CORP., INC.,
28 Cross-Defendant.

29 CATERPILLAR FINANCIAL SERVICES
30 CORPORATION,
31 Counterclaimant,

32 v.

33 NATIONS FUND I, LLC,
34 Counterdefendant.

35 CATERPILLAR FINANCIAL SERVICES
36 CORPORATION,
37 Third Party Claimant,

38 v.

39 DAVID ROCCHIO,
40 Third Party Defendant.

1 THIS STIPULATION is entered into by and among Caterpillar Financial Services
2 Corporation ("Caterpillar"), Capriati Construction Corp., Inc. ("Capriati"), and David M. Rocchio
3 Sr. ("Rocchio," and together with Caterpillar and Capriati, the "Parties"), by and through their
4 respective counsel, stipulate and agree as follows:

5 1. That this action, including the submitted Proposed Findings of Fact and Conclusions
6 of Law submitted to this Court on September 25, 2018 as ECF No. 16, and all claims amongst the
7 Parties shall be dismissed with prejudice and the Proposed Findings of Fact and Conclusions of
8 Law shall be vacated;

9 2. That any outstanding hearings and deadlines shall be vacated; and

10 3. That the Parties shall bear their own attorneys' fees and costs associated with this
11 action and the Proposed Findings of Fact and Conclusions of Law.

12 Dated: February 27, 2019
13 SNELL & WILMER L.L.P.
14 /s/ Blakeley E. Griffith
15 Robert R. Kinas (NV Bar No. 6019)
16 Blakeley E. Griffith (NV Bar No. 12386)
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20 *Attorneys for Caterpillar Financial Services Corporation*

Dated: February 27, 2019
KUNG & BROWN
/s/ A.J. Kung
A.J. Kung (NV Bar No. 7052)
Brandy Brown (NV Bar No. 9987)
214 South Maryland Parkway
Las Vegas, NV 89101
Telephone: (702) 382-0883
Attorneys for Capriati Construction Corp., Inc. and David M. Rocchio Sr.

ORDER

IT IS SO ORDERED.

DATED this 28th day of February, 2019.


RICHARD F. BOULWARE, II
United States District Judge

Respectfully submitted,
SNELL & WILMER L.L.P.
/s/ Blakeley E. Griffith
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CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2019, I electronically filed the foregoing **STIPULATION AND ORDER FOR DISMISSAL WITH PREJUDICE** with the Clerk of Court for the U.S. District Court, District of Nevada by using the Court's CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

DATED this 27th day of February 2019.

Jill Math

An Employee of Snell & Wilmer L.L.P.