

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 THOMAS W. MCNAMARA,)
4)
5 Plaintiff,)
6 vs.)
7 GARY PATTEN, *et al.*,)
8 Defendants.)

Case No.: 2:17-cv-02968-GMN-NJK

ORDER

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10 Pending before the Court is the Motion to Dismiss Plaintiff Thomas McNamara’s
11 (“Plaintiff”) Motion for Reconsideration, (ECF No. 47), in which he requests that the Court
12 withdraw the Order, (ECF No. 45), issued by the Honorable James C. Mahan and the
13 accompanying Judgment, (ECF No. 46), “reopen the case, and order the appropriate relief,
14 whether that be the transfer or reassignment of this case to [Judge Navarro]” (Mot.
15 Recons. 5:11–13, ECF No. 47). Subsequent to the filing of Plaintiff’s Motion, the case was
16 transferred to the undersigned, pursuant to the Court’s Omnibus Transfer Order, (ECF No. 49).
17 Defendant Gary Patten and Defendant Pano Advisors, Inc. (collectively, “Defendants”) then
18 filed a Response, (ECF No. 52), indicating that they “do not oppose Plaintiff’s Reconsideration
19 Motion.” (Resp. 4:14–15, ECF No. 52). Defendants further indicate that in the event Plaintiff’s
20 Motion is denied, then alternatively, the Court should grant Defendant’s Cross Motion to
21 Correct or Amend Judgment, (ECF No. 52).

22 Accordingly, because the Omnibus Transfer Order, (ECF No. 49), eliminates the need for
23 Plaintiff’s requested relief, **IT IS HEBEY ORDERED** that Plaintiff’s Motion for
24 Reconsideration, (ECF No. 47), is **DENIED as moot**.

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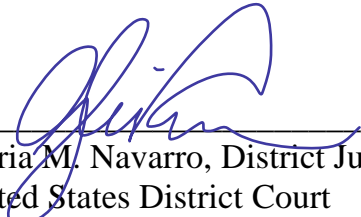
1 Moreover, because Defendants' Motion, (ECF No. 52), is phrased in the alternative, **IT**
2 **IS FURTHER ORDERED** that Defendants' Cross Motion to Correct or Amend Judgment,
3 (ECF No. 52), is **DENIED as moot**.

4 **IT IS FURTHER ORDERED** that the Judgment, (ECF No. 46), is **VACATED**, and
5 that this matter shall be **REOPENED**.

6 **IT IS FURTHER ORDERED** that Defendants shall have until September 26, 2019, to
7 refile their Motion to Dismiss, should they elect to do so.

8 **DATED** this 12 day of September, 2019.

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Gloria M. Navarro, District Judge
United States District Court