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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SIERRA DEVELOPMENT CO.
Plaintiff,

vs.

CHARTWELL ADVISORY GROUP,
LTD.

Defendant.

CASE NO. 13cv602 BEN (VPC)

**ORDER DENYING
COUNTERCLAIM DEFENDANTS'
JOINT MOTION TO CLARIFY
ORDER**

[Dkt. # 617]

CHARTWELL ADVISORY GROUP,
LTD.

Counterclaimant,

vs.

SIERRA DEVELOPMENT CO., et
al.,

Counterdefendants.

Counterclaim Defendants jointly move for clarification of the order dated January 13, 2017. The motion is denied.

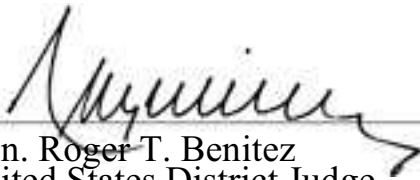
The Court issued rulings on several motions for summary judgment. As a

1 result, at trial Counterclaim Plaintiff Chartwell may pursue breach of contract
2 claims for fees owed on tax refunds or refund credits actually received in amounts
3 certain. Chartwell may also pursue unjust enrichment claims for fees from potential
4 tax refunds pursued, but waived, abandoned, or exchanged for settling litigation
5 with the State of Nevada and obtaining tax moratorium relief. This needs no
6 clarification. The Counterclaim Defendants' arguments now about the doctrine of
7 election of remedies requiring some different result is not the proper subject of a
8 motion for clarification and appears to lack merit.

9 The motion for clarification is denied.

10 **IT IS SO ORDERED.**

11 DATED: March 1, 2017

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14 Hon. Roger T. Benitez
15 United States District Judge
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