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7 Attorneys for Defendants  
 LENNAR RENO, LLC and LENNAR RENO, LLC dba LENNAR HOMES

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9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 WILLIAM G. and MARISSA J. KRAUS;  
 12 MATTHEW AND LEAH COWEN; RALPH  
 & FRANCES CASTELLI, as Co-Trustees  
 13 under THE CASTELLI FAMILY TRUST;  
 RICHARD & DEBRA MENCHEL;  
 14 RICHARD & MARY D. NUNES as Trustees  
 of the NUNES LIVING TRUST; THOMAS  
 I. & HEIDI A. SHELTON; RICHARD M.  
 15 LUND AND NANCY S. LUND, Trustees of  
 the LUND FAMILY TRUST, DATED  
 16 MARCH IS, 2002; NICK TRAN AND CHI  
 PHAM; MICHAEL L. VERA; ATAM P.  
 17 AND MARGO G. LALCHANDANI, as Co-  
 Trustees under THE LALCHANDANI  
 18 FAMILY TRUST AGREEMENT DATED  
 JULY 24, 1992; CHARLES E. & CAROL J.  
 19 FAGEN as Trustees of the FAGEN LIVING  
 TRUST; OWEN C. KOCHINSKI,  
 20 individually, as husband and wife, and  
 trustees

21  
 22 **Plaintiffs,**

23 **v.**

24 **LENNAR RENO, LLC and LENNAR RENO,**  
**LLC dba LENNAR HOMES,**

25 **Defendants.**

**CASE NO.: 3:18-cv-00120-MMD-WGC**

**STIPULATION AND [PROPOSED]  
 ORDER TO REMAND ACTION**

**PAYNE & FEARS LLP**  
 ATTORNEYS AT LAW  
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 LAS VEGAS, NEVADA 89118  
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1 Plaintiffs and Defendants Lennar Reno, LLC and Lennar Reno, LLC dba Lennar Homes  
2 (“Lennar”) (Plaintiffs and Lennar collectively referred to herein as, “Parties”), by and through  
3 their counsel of record, hereby stipulate and agree as follows:

4 **RECITALS**

5 A. Plaintiffs or their predecessors in interest, entered into purchase and sale  
6 agreements (“PSAs”) with Lennar to purchase certain residences located in the Casa Bella at  
7 Damonte Ranch development in Reno, Nevada that are the subject of this action (“Subject  
8 Properties”).

9 B. Lennar alleges that the PSAs set forth certain dispute-resolution procedures and  
10 requirements, including a requirement for claims regarding the Subject Properties to proceed to  
11 binding arbitration.

12 C. On or around November 1, 2016, Plaintiffs began forwarding notices of  
13 constructional defects to Lennar regarding the Subject Properties. On February 8, 2018, Plaintiffs  
14 filed a complaint against Lennar entitled *Kraus, et al., v. Lennar Reno LLC, et al.*, Washoe  
15 County, case no.: CV18-0027.

16 D. Lennar removed the *Kraus, et al., v. Lennar Reno LLC, et al.* action to the U.S.  
17 District Court in and for the District of Nevada, on March 15, 2018, and it was assigned case  
18 number 3:18-cv-00120-MMD-WGC (the “Litigation”). Plaintiffs thereafter filed a motion to  
19 remand the Litigation to state court on April 10, 2018. (ECF No. 7). Lennar opposed Plaintiffs’  
20 motion to remand on April 24, 2018. (ECF No. 10). The Court denied the Motion. (ECF No. 23)

21 E. On multiple occasions, Lennar demanded that the Plaintiffs arbitrate their claims  
22 regarding the Subject Properties.

23 F. After extensive meeting and conferring, the Parties agree to arbitrate the  
24 Claimants’ claims regarding the Subject Properties.

25 G. The parties further agree to remand the action back to the Second Judicial District  
26 Court, Washoe County, Nevada, so that the state court will retain jurisdiction over the action  
27 pending arbitration.

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**ORDER**

The Court having reviewed the Parties Stipulation to Remand the above-captioned action and good cause appearing, hereby ORDERS as follows:

1. The Parties' Stipulation is approved; and
2. The U.S. District Court for the District of Nevada Case No.: 3:18-cv-00120-MMD-WGC captioned, *William G. and Melissa J. Kraus, et al. v. Lennar Reno, LLC, et al.*, is hereby remanded to the Second Judicial District Court, Washoe County, Nevada.

**IT IS SO ORDERED.**

Dated: December 13, 2018

  
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U.S. DISTRICT COURT JUDGE

4850-0550-1314.1