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croteaulaw@croteaulaw.com
6 *Attorney for Appellant*
LAS VEGAS DEVELOPMENT GROUP, LLC
7
8

Electronically Filed
Sep 16 2020 12:49 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

9 IN THE SUPREME COURT OF THE STATE OF NEVADA

10 ***

11 LAS VEGAS DEVELOPMENT GROUP, LLC,)
a Nevada limited liability company,)
12)
Appellant,)
13 vs.)
14 JAMES R. BLAHA, an individual; BANK OF)
AMERICA, NA, a National Banking)
15 Association, as successor by merger to BAC)
HOME LOANS SERVICING, LP;)
16 RECONTRUST COMPANY NA, a Texas)
corporation; EZ PROPERTIES, LLC, a Nevada)
17 limited liability company; K&L BAXTER)
FAMILY LIMITED PARTNERSHIP, a Nevada)
18 limited partnership; FCH FUNDING, INC, an)
unknown corporate entity,)
19 Respondents.)
20

Supreme Court No. 79055

District Court Case No. A-15-715532-C

21 **STIPULATION TO DISMISS APPEAL**

22 COMES NOW, Appellant, LAS VEGAS DEVELOPMENT GROUP, LLC, and
23 Respondents, JAMES R. BLAHA; BANK OF AMERICA, NA; RECONTRUST COMPANY
24 NA; EZ PROPERTIES, LLC; K&L BAXTER FAMILY LIMITED PARTNERSHIP; and
25 NOBLE HOME LOANS, INC. fka FCH FUNDING, INC, by and through their respective
26 undersigned counsel, and hereby stipulate and agree that the instant appeal and cross-appeal shall
27 be dismissed with each party to bear its own fees and costs. Dismissal is appropriate because the
28 district court has vacated the order appealed from. A copy of the order vacating the order

1 appealed from is attached hereto and incorporated herein by reference as Exhibit 1.

2 DATED this 16th day of September, 2020.

3 ROGER P. CROTEAU &
4 ASSOCIATES, LTD.

MAURICE WOOD

5 /s/ Timothy E. Rhoda
6 ROGER P. CROTEAU, ESQ.
7 Nevada Bar No. 4958
8 TIMOTHY E. RHODA, ESQ.
9 Nevada Bar No. 7878
10 2810 West Charleston Blvd., Suite 75
11 Las Vegas, Nevada 89102
12 (702) 254-7775
13 ***Attorney for Plaintiff***
14 ***Las Vegas Development Group, LLC***

5 /s/ Brittany Wood
6 AARON R. MAURICE, ESQ.
7 Nevada Bar No. 6412
8 BRITTANY WOOD, ESQ.
9 Nevada Bar No. 7562
10 9525 Hillwood Drive, Suite 140
11 Las Vegas, Nevada 89134
12 ***Attorney for Defendants***
13 ***James R. Blaha and Noble Home Loans***
14 ***formerly known as FCH Funding, Inc.***

11 LAW OFFICES OF KEVIN R. HANSEN

AKERMAN, LLP

13 /s/ Amy M. Wilson
14 KEVIN R. HANSEN, ESQ.
15 Nevada Bar No. 6336
16 AMY M. WILSON, ESQ.
17 Nevada Bar No. 13421
18 5440 West Sahara Avenue, Suite 206
19 Las Vegas, Nevada 89146
20 ***Attorney for Defendants***
21 ***EZ Properties, LLC and K&L Baxter***
22 ***Family Partnership***

13 /s/ Lilith V. Xara
14 LILITH V. XARA, ESQ.
15 Nevada Bar No. 13138
16 1635 Village Center Circle, Suite 200
17 Las Vegas, Nevada 89134
18 ***Attorney for Defendants***
19 ***Bank of America, N.A. and Recontrust***
20 ***Company***

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 X VIA ELECTRONIC SERVICE: through the Nevada Supreme Court's eflex e-file and serve system.

____ VIA FACSIMILE: by causing a true copy thereof to be telecopied to the number indicated on the service list below.

____ VIA PERSONAL DELIVERY: by causing a true copy hereof to be hand delivered on this date to the addressee(s) at the address(es) set forth on the service list below.

/s/ Timothy E. Rhoda
An employee of ROGER P. CROTEAU &
ASSOCIATES, LTD.

EXHIBIT 1

EXHIBIT 1

ORD
ROGER P. CROTEAU, ESQ.
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Nevada Bar No. 7878
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(702) 228-7719 (facsimile)
croteaulaw@croteaulaw.com
Attorney for Plaintiff
LAS VEGAS DEVELOPMENT GROUP, LLC

DISTRICT COURT
CLARK COUNTY, NEVADA

LAS VEGAS DEVELOPMENT GROUP, LLC,)
a Nevada limited liability company,)
Plaintiff,)
vs.)
JAMES R. BLAHA, an individual; BANK OF)
AMERICA, NA, a National Banking)
Association, as successor by merger to BAC)
HOME LOANS SERVICING, LP;)
RECONTRUST COMPANY NA, a Texas)
corporation; JOSE PEREZ, JR. an individual;)
EZ PROPERTIES, LLC, a Nevada limited)
liability company; K&L BAXTER FAMILY)
LIMITED PARTNERSHIP, a Nevada limited)
partnership; FCH FUNDING, INC, an unknown)
corporate entity; DOE individuals I through)
XX; and ROE CORPORATIONS I through)
XX,)
Defendants.)

Case No. A-15-715532-C
Dept. No. XXX

ORDER VACATING ORDER GRANTING MOTION FOR SUMMARY JUDGMENT

On August 18, 2020, this Court entered its Certification of Intent to Vacate Order Granting Motion for Summary Judgment which was entered herein on or about May 24, 2019. The primary basis for the Order Granting Summary Judgment was the Nevada Supreme Court's prior decision in the matter of *Bank of Am., N.A. v. Thomas Jessup, LLC Series VII*, 135 Nev.

1 42, 435 P.3d 1217 (2019) ("*Jessup 1*"). Plaintiff, Las Vegas Development Group, LLC,
2 appealed the Order granting Summary Judgment on June 18, 2019. Defendants, James R. Blaha
3 and Noble Home Loans, Inc. f/k/a FCH Funding, Inc., filed a Notice of Cross Appeal on July 2,
4 2019.

5 On May 7, 2020, the Nevada Supreme Court issued an Order vacating its prior Order in
6 *Jessup 1* and replacing it with an Order Affirming in Part, Reversing in Part and Remanding to
7 the district court. *Bank of Am. v. Jessup*, No. 73785, 2020 Nev. Unpub. LEXIS 471 (May 7,
8 2020) ("*Jessup 2*"). Pursuant to *Jessup 2*, the *en banc* Supreme Court wholly reversed the
9 Panel's decision in *Jessup 1*. The parties hereto thereafter jointly requested that this Court certify
10 its intent vacate the Order granting Summary Judgment.

11 On September 3, 2020, the Nevada Supreme Court issued an Order Granting Motion for
12 Limited Remand, remanding the case to this Court for the limited purpose of allowing this Court
13 to enter an Order vacating the Order Granting Summary Judgment entered on or about May 24,
14 2019. GOOD CAUSE APPEARING THEREFOR,

15 IT IS HEREBY ORDERED the primary basis for the entry of this Court's Order Granting
16 Summary Judgment entered herein on May 24, 2019, was invalidated or substantially changed by
17 the Nevada Supreme Court's decision in the matter of *Jessup 2*.

18 IT IS FURTHER ORDERED that this Court's Order Granting Summary Judgment
19 entered on or about May 24, 2019, is hereby VACATED in its entirety.

20 IT IS FURTHER ORDERED that a status check will be held on September 30, 2020, at
21 9:00 a.m. during which time the Court will set scheduling deadlines in the matter.

22 DATED this _____ day of September, 2020. Dated this 14th day of September, 2020

23 
24 _____
25 DISTRICT COURT JUDGE

26 818 7D2 3A77 FF92
27 Jerry A. Wiese
28 District Court Judge

Respectfully submitted by:

ROGER P. CROTEAU &
ASSOCIATES, LTD.

MAURICE WOOD

/s/ Timothy E. Rhoda
ROGER P. CROTEAU, ESQ.
Nevada Bar No. 4958
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Attorney for Plaintiff
Las Vegas Development Group, LLC

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/s/ Amy M. Wilson
KEVIN R. HANSEN, ESQ.
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Attorney for Defendants
EZ Properties, LLC and K&L Baxter
Family Partnership

/s/ Brittany Wood
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Nevada Bar No. 6412
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Nevada Bar No. 7562
9525 Hillwood Drive, Suite 140
Las Vegas, Nevada 89134
Attorney for Defendants
James R. Blaha and Noble Home Loans
formerly known as FCH Funding, Inc.

AKERMAN, LLP

/s/ Lilith V. Xara
LILITH V. XARA, ESQ.
Nevada Bar No. 13138
1635 Village Center Circle, Suite 200
Las Vegas, Nevada 89134
Attorney for Defendants
Bank of America, N.A. and Recontrust
Company

Tim Rhoda

From: Brittany Wood <bwood@mauricewood.com>
Sent: Tuesday, September 8, 2020 2:21 PM
To: Tim Rhoda; lilith.xara@akerman.com
Cc: amy@kevinrhansen.com; kevin@kevinrhansen.com; ariel.stern@akerman.com; melanie.morgan@akerman.com
Subject: RE: Las Vegas Development Group v. Blaha - A-15-715532-C - Appeal No. 79055
Attachments: image001.png; image002.jpg

I consent to the filing of the PDF version.

Brittany Wood
Partner



9525 Hillwood Drive | Suite 140
Las Vegas, Nevada | 89134
Office: (702) 463-7616 | Fax: (702) 463-6224
bwood@mauricewood.com

This communication (including any attachments) is not intended or written to be used, and it cannot be used, for the purpose of avoiding tax penalties that may be imposed on the taxpayer. This transmission is intended only for the use of the addressee and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, any use of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately.

From: Tim Rhoda <tim@croteaulaw.com>
Sent: Tuesday, September 8, 2020 2:19 PM
To: Brittany Wood <bwood@mauricewood.com>; lilith.xara@akerman.com
Cc: amy@kevinrhansen.com; kevin@kevinrhansen.com; ariel.stern@akerman.com; melanie.morgan@akerman.com
Subject: RE: Las Vegas Development Group v. Blaha - A-15-715532-C - Appeal No. 79055

All,

I am okay with this although I do note that that the department stated in its email that the status check on September 30, 2020, will be vacated if the order is timely submitted. The court presumably will adjust this when it receives the order in this form. If not, I suppose we can adjust accordingly. Brittany, please email your consent to this version. Lilith and Amy, I will use your prior emails expressing your approval to the revised version.

Tim

From: Brittany Wood [<mailto:bwood@mauricewood.com>]
Sent: Tuesday, September 8, 2020 12:28 PM
To: Tim Rhoda; lilith.xara@akerman.com
Cc: amy@kevinrhansen.com; kevin@kevinrhansen.com; ariel.stern@akerman.com; melanie.morgan@akerman.com
Subject: RE: Las Vegas Development Group v. Blaha - A-15-715532-C - Appeal No. 79055

My revisions are attached.

Brittany Wood

Tim Rhoda

From: lilith.xara@akerman.com
Sent: Tuesday, September 8, 2020 1:09 PM
To: Tim Rhoda
Cc: amy@kevinrhansen.com; kevin@kevinrhansen.com; ariel.stern@akerman.com; melanie.morgan@akerman.com; bwood@mauricewood.com
Subject: Las Vegas Development Group v. Blaha - A-15-715532-C - Appeal No. 79055 - ORDER REVISION
Attachments: image001.png; image002.jpg

Hello Tim,

We agree with the redlines from Brittany. If it is in that form, you may e-sign for me.

Thank you,

Lilith V. Xara

Associate, Consumer Financial Services Practice Group
Akerman LLP | 1635 Village Center Circle, Suite 200 | Las Vegas, NV 89134
D: 702 634 5020 | T: 702 634 5000 | F: 702 380 8572
lilith.xara@akerman.com

From: Brittany Wood <bwood@mauricewood.com>
Sent: Tuesday, September 8, 2020 12:28 PM
To: Tim Rhoda <tim@croteaulaw.com>; Xara, Lilith (Assoc-Las) <lilith.xara@akerman.com>
Cc: amy@kevinrhansen.com; kevin@kevinrhansen.com; Stern, Ariel (Ptnr-Las) <ariel.stern@akerman.com>; Morgan, Melanie (Ptnr-Las) <melanie.morgan@akerman.com>
Subject: RE: Las Vegas Development Group v. Blaha - A-15-715532-C - Appeal No. 79055

My revisions are attached.

Brittany Wood

Partner



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bwood@mauricewood.com

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Tim Rhoda

From: Amy Wilson <amy@kevinrhansen.com>
Sent: Tuesday, September 8, 2020 1:27 PM
To: Tim Rhoda
Cc: Kevin R. Hansen; ariel.stern@akerman.com; melanie.morgan@akerman.com; bwood@mauricewood.com; lilith.xara@akerman.com
Subject: RE: Las Vegas Development Group v. Blaha - A-15-715532-C - Appeal No. 79055 - ORDER REVISION
Attachments: image001.png; image002.jpg

Tim,

We also agree with the redlines from Brittany, with those revisions you may es-sign for me.

Sincerely,

Amy M. Wilson, Esq.
Law Offices of Kevin R. Hansen
5440 W. Sahara Ave., Suite 206
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amy@kevinrhansen.com

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From: lilith.xara@akerman.com <lilith.xara@akerman.com>
Sent: Tuesday, September 8, 2020 1:09 PM
To: tim@croteaulaw.com
Cc: Amy Wilson <amy@kevinrhansen.com>; Kevin R. Hansen <kevin@kevinrhansen.com>; ariel.stern@akerman.com; melanie.morgan@akerman.com; bwood@mauricewood.com
Subject: Las Vegas Development Group v. Blaha - A-15-715532-C - Appeal No. 79055 - ORDER REVISION

Hello Tim,

We agree with the redlines from Brittany. If it is in that form, you may e-sign for me.

Thank you,

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lilith.xara@akerman.com

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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5
6 Las Vegas Development Group
LLC, Plaintiff(s)

CASE NO: A-15-715532-C

7 vs.

DEPT. NO. Department 30

8
9 James Blaha, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order was served via the court's electronic eFile system to all
recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 9/14/2020

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