

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

DANIEL JAMES HARTMANN, et al.,

2:08-cv-01223-RCJ-GWF

Plaintiffs,

vs.

**Order Lifting Stays**

UPONOR, INC., et al.,

Defendants.

This case arises out of the manufacture, marketing, distribution, and installation of allegedly defective “yellow brass” plumbing components, which Plaintiffs allege caused harm, or threaten to cause harm, to their residences. The Court previously consolidated nine member cases with this action, because they involve nearly identical defect allegations.<sup>1</sup> Four of the consolidated actions are currently stayed based on prior orders: (1) *Solera at Anthem Community Association, Inc. v. Del Webb Communities, Inc.*, No 2:11-cv-425;<sup>2</sup> (2) *The Seasons Homeowners Association, Inc. v. Richmond American Homes of Nevada, Inc.*, No. 2:11-cv-1875;<sup>3</sup> (3) *Lamplight Square at Green Valley Homeowners’ Association v. Greystone Nevada LLC*, No. 2:12-cv-2;<sup>4</sup> and (4) *Southern Terrace Homeowners Association v. Viega, Inc.*, No. 2:12-cv-206.<sup>5</sup> In light of the Court’s recent case management decisions,

<sup>1</sup> See Orders dated October 27, 2011 (Doc. 583) and January 14, 2013 (Doc. 673).

<sup>2</sup> On January 3, 2013, the Magistrate Judge entered an order staying discovery in the case until after the January 11, 2013 status conference in this action (Doc. 85 in No. 2:11-cv-425).

<sup>3</sup> On July 19, 2012, the Magistrate Judge entered an order staying the action as to the original homeowner members pending arbitration with the homebuilder, Richmond American (Doc. 57 in No. 2:11-cv-1875). However, the original homeowner members have claims against the Uponor Defendants that are not subject to the arbitration (Docs. 75 & 80 in No. 2:11-cv-1875).

<sup>4</sup> On January 10, 2012, the Court entered an order staying the action pending action from the Ninth Circuit Court of Appeals in the *Slaughter* matter and the ruling from the Multi-district Litigation Panel regarding the requested transfer and consolidation of this action.

<sup>5</sup> On September 25, 2012, the Magistrate Judge entered an order staying the case until the motions to dismiss are decided by the Court (Doc. 170 in No. 2:12-cv-206).

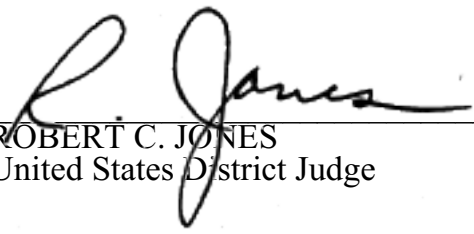
1 including the consolidation of all related actions,<sup>6</sup> the stays entered in the *Solera*, *Seasons*,  
2 and *Lamplight Square* member cases are lifted, except for the original homeowner members'  
3 claims against Richmond American in the *Seasons* action.<sup>7</sup> The stay entered in the *Southern*  
4 *Terrace* member case shall automatically expire on the date Plaintiffs file their consolidated  
5 amended complaint in the *Waterfall* action.

6 **CONCLUSION**

7 IT IS HEREBY ORDERED that the stays in the following members cases are lifted as  
8 described above: *Solera at Anthem Community Association v. Del Webb Communities, Inc.*,  
9 No. 2:11-cv-425; *The Seasons Homeowners Association, Inc. v. Richmond American Homes*  
10 *of Nevada, Inc.*, No. 2:11-cv-1875; *Lamplight Square at Green Valley Homeowners'*  
11 *Association v. Greystone Nevada LLC*, No. 2:12-cv-2; and *Southern Terrace Homeowners*  
12 *Association v. Viega, Inc.*, No. 2:12-cv-206.

13 IT IS SO ORDERED.

14 Dated this 8th day of February, 2013.

  
ROBERT C. JONES  
United States District Judge

17 Respectfully submitted by:

18 /s/ Michael J. Gayan  
19 J. Randall Jones (Nev. Bar No. 1927)  
20 Michael J. Gayan (Nev. Bar No. 11135)  
21 KEMP, JONES & COULTHARD LLP  
22 3800 Howard Hughes Parkway, 17<sup>th</sup> Floor  
23 Las Vegas, Nevada 89169  
24 Tel. (702) 385-6000  
25 *Attorneys for Plaintiffs*

26 <sup>6</sup> See Order dated on January 14, 2013 (Doc. 673).

27 <sup>7</sup> The *Seasons* Order (Doc. 57 in No. 2:11-cv-1875) staying the original homeowner  
28 members' claims against their homebuilder, Richmond American, will remain in effect  
pending the arbitration of those claims.

KEMP, JONES & COULTHARD, LLP  
3800 Howard Hughes Parkway  
Seventeenth Floor  
Las Vegas, Nevada 89169  
(702) 385-6000 • Fax (702) 385-6001  
kjc@kempjones.com