

1 ARIEL E. STERN, ESQ.  
 Nevada Bar No. 8276  
 2 JAMIE K. COMBS, ESQ.  
 Nevada Bar No. 13088  
 3 AKERMAN LLP  
 1160 Town Center Drive, Suite 330  
 4 Las Vegas, Nevada 89144  
 Telephone: (702) 634-5000  
 5 Facsimile: (702) 380-8572  
 Email: ariel.stern@akerman.com  
 6 Email: jamie.combs@akerman.com

7 *Attorneys for defendants The Bank of New York*  
 8 *Mellon FKA The Bank of New York*

9 **UNITED STATES DISTRICT COURT**  
 10 **DISTRICT OF NEVADA**

11 BRETT B. STRONG,  
 12  
 Plaintiff,  
 13  
 v.  
 14 BANK OF NEW YORK MELLON F/K/A  
 15 BANK OF NEW YORK  
 Defendants.

Case No.: 2:13-cv-00656-JAD-GWF

**ORDER GRANTING BANK OF  
 NEW YORK MELLON'S MOTION TO  
 EXPUNGE LIS PENDENS AND DENYING  
 PLAINTIFF'S COUNTERMOTION TO  
 CONTINUE**

ECF No. 47

17 Brett P. Strong (**Strong**) filed the underlying lawsuit in the Eighth Judicial District Court on  
 18 February 22, 2013. *See* Case No. A-677162-C. In connection with this lawsuit, Strong recorded a lis  
 19 pendens against the property located at **6507 Covinto Street, Las Vegas, NV 89131, APN. No. 125-**  
 20 **23-813-002**, with the Clark County Recorder as instrument number **201309120000104**. The case  
 21 was removed to this Court on April 22, 2013. On June 19, 2015, this Court dismissed the case with  
 22 prejudice and entered Judgment in favor of the Bank of New York-Mellon (**BoNYM**). ECF. Nos.  
 23 40, 41. Strong did not appeal.

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AKERMAN LLP  
 1160 TOWN CENTER DRIVE, SUITE 330  
 LAS VEGAS, NEVADA 89144  
 TEL.: (702) 634-5000 – FAX: (702) 380-8572

1           On June 19, 2017, BoNYM filed the instant motion to expunge the lis pendens because the  
2 litigation was dismissed with prejudice. On July 6, 2017, Plaintiff filed an opposition to the motion  
3 and a countermotion to continue the lis pendens. Plaintiff’s opposition argues that the lis pendens  
4 should not be expunged because of BoNYM’s delay in requesting the expungement, and because  
5 Plaintiff indicates that he has new claims that will be forthcoming that the lis pendens should attach  
6 to. This Court held a hearing on July 10, 2017 at 2:30 p.m. Jamie K. Combs, Esq. appeared on behalf  
7 of **BoNYM**. Plaintiff did not appear.

8           A lis pendens can only be supported by a foreclosure action, a claim that affects title to real  
9 property, or a claim that affects possession of real property. *See* NRS 14.010(1). The purpose of a  
10 lis pendens is to provide notice that there is pending litigation related to a property. *See* NRS  
11 14.010(3). Because this case was dismissed with prejudice, there is no longer pending litigation  
12 related to the property for which a lis pendens is proper.

13           Accordingly, under NRS 14.015(5), this Court finds that Plaintiff has failed to establish the  
14 matters required to sustain a lis pendens pursuant to NRS 14.015(2) and (3). Plaintiff’s argument  
15 regarding the delay in seeking the expungement of the lis pendens does not provide a legal basis to  
16 deny the motion, nor does Plaintiff’s mention of potential new claims.

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Accordingly, IT IS ORDERED that the notice of pendency is hereby CANCELLED. A cancellation has the same effect as an expungement of the original notice.

IT IS FURTHER ORDERED that Plaintiff’s counter-motion to continue is hereby DENIED.



UNITED STATES DISTRICT JUDGE

7-26-17

DATED

Respectfully Submitted By:

**AKERMAN LLP**

*/s/ Jamie K. Combs, Esq.*

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ARIEL E. STERN, ESQ.  
Nevada Bar No. 8276  
JAMIE K. COMBS, ESQ.  
Nevada Bar No. 13088  
1160 Town Center Drive, Suite 330  
Las Vegas, Nevada 89144

*Attorneys for defendants The Bank of New York Mellon FKA The Bank of New York*