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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

KAL-MOR-USA, LLC,

Plaintiff,

v.

BANK OF AMERICA, N.A., et al.,

Defendants.

Case No. 2:13-cv-00682-GMN-PAL

ORDER

The court conducted a status and scheduling conference on June 25, 2015. Jason Martinez appeared telephonically on behalf of Plaintiff. Melanie Morgan appeared on behalf of Defendants. This case was stayed by the district judge while a question of law was certified to the Nevada Supreme Court. On December 5, 2014 the Nevada Supreme Court entered an Order Declining Certified Question (Dkt #28 & 29) finding its decision in *SFR Investment Pool I, LLC v U.S. Bank, N. A.*, 130 Nev. ___, 334 P 3d. 408 (2014) was controlling precedent on the issue. Since then the parties have taken no action to bring this case to resolution.

At the hearing counsel for Plaintiff indicated a minimal amount of discovery was need. Plaintiff intends to subpoena the records of the trustee's sale. Defendant intends to obtain the HOA records and take Rule 30(b)(6) deposition of the trustee and the deposition of Plaintiff. Defendant requested 180 days to complete discovery. This is a straight forward case involving an HOA foreclosure on a superpriority lien. The Nevada Supreme Court resolved the legal issue of whether the superpriority lien has true priority over a first security interest more than 6 months ago. Very little discovery is needed to prepare this case for judgment. The court will give the parties 60 days to complete discovery.


Accordingly,

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IT IS ORDERED that the stay is **LIFTED** and the following discovery plan and scheduling order dates shall be extended as follows:

1. Last date to complete discovery: **August 24, 2015.**
2. Last date to file dispositive motions: **September 23, 2015.**
3. Last date to file joint pretrial order: **October 23, 2015.** In the event dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until 30 days after a decision of the dispositive motions. The disclosures required by Fed. R. Civ. P. 26(a)(3), and any objections thereto, shall be included in the pretrial order.
4. Applications to extend any dates set by this discovery plan and scheduling order shall, in addition to satisfying the requirements of LR 6-1, be supported by a showing of good cause for the extension. All motions or stipulations to extend discovery shall be received no later than **4:00 p.m., August 3, 2015,** and shall fully comply with the requirements of LR 26-4.

DATED this 25th day of June, 2015.


PEGGY A. FEEN
UNITED STATES MAGISTRATE JUDGE