

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LN MANAGEMENT LLC SERIES 5664 DIVOT,)
Plaintiff,)
vs.)
KIT DANSKER; JP MORGAN CHASE BANK,)
N.A.,)
Defendant,)
and)
FEDERAL NATIONAL MORTGAGE)
ASSOCIATION and FEDERAL HOUSING)
FINANCE AGENCY, as Conservator for the)
Federal National Mortgage Association,)
Intervenors.)

Case No. 2:13-cv-01420-RCJ-GWF

ORDER

This matter is before the Court on the parties' Joint Motion to Stay (#44) filed on July 15, 2015.

This case involves the issue of whether a homeowner's association foreclosure sale conducted under Nevada Revised Statute (NRS) § 116.3116 (2) may extinguish Fannie Mae's property interest, or whether such a result is precluded by 12 U.S.C. § 4617(j)(3). The parties agree that this is a pure issue of law that may be resolved by the Court on dispositive motion without the need for discovery. The parties note that Chief Judge Navarro has recently ruled in favor of the FHFA, Fannie Mae and Freddie Mac on this issue in four related cases. The parties request a stay of discovery for six weeks until August 26, 2015 so that they may analyze the decisions in the other cases, evaluate their impact on Plaintiff's claims and determine what case management strategies may be adopted including whether to file for summary judgment, or first move to consolidate some or all of the related cases.

1 The Court recognizes that although the parties seek only a six week stay of discovery, they
2 may request a further stay of discovery. Nevertheless, the Court finds good cause to grant the stay.
3 First, the parties agree that the dispositive issue in this case can be decided without discovery as has
4 occurred in the related cases decided by Judge Navarro. If the parties hereafter conclude that
5 discovery is unnecessary, then the Court expects them to file a proposed scheduling order that sets
6 forth a briefing schedule for the dispositive motions. Otherwise, the parties should submit a
7 proposed discovery plan and scheduling order at the end of the six week stay period. Accordingly,

8 **IT IS HEREBY ORDERED** that the parties' Joint Motion to Stay (#44) is **granted**.
9 Discovery in this action is stayed through August 26, 2015. On or before August 26, 2015, the
10 parties shall submit a proposed discovery plan and/or scheduling order in accordance with the
11 provisions of this order.

12 DATED this 20th day of July 2015.

13
14 
15 GEORGE FOLEY, JR.
16 United States Magistrate Judge
17
18
19
20
21
22
23
24
25
26
27
28