

1 Abran E. Vigil
 Nevada Bar No. 7548
 2 Sylvia O. Semper
 Nevada Bar No. 12863
 3 BALLARD SPAHR LLP
 100 North City Parkway, Suite 1750
 4 Las Vegas, Nevada 89106
 Telephone: (702) 471-7000
 5 Facsimile: (702) 471-7070
 vigila@ballardspahr.com
 6 sempers@ballardspahr.com
Attorneys for JPMorgan Chase Bank, N.A.
 7 *And Federal National Mortgage Association*

8
 9 **UNITED STATES DISTRICT COURT**
 10 **DISTRICT OF NEVADA**

Ballard Spahr LLP
 100 North City Parkway, Suite 1750
 Las Vegas, Nevada 89106-4617
 (702) 471-7000 FAX (702) 471-7070

12 LN MANAGEMENT, LLC SERIES
 5664 DIVOT,
 13
 Plaintiff,
 14
 vs.
 15 KIT DANSKER and JPMORGAN
 16 CHASE BANK, N.A.,
 17
 Defendants,
 18
 And
 19 FEDERAL NATIONAL MORTGAGE
 ASSOCIATION and FEDERAL
 HOUSING FINANCE AGENCY,
 20
 Intervenor.

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

**STIPULATION AND ~~PROPOSED~~
 SCHEDULING ORDER**

22 JPMORGAN CHASE BANK, N.A.,
 FEDERAL NATIONAL MORTGAGE
 23 ASSOCIATION and FEDERAL
 HOUSING FINANCE AGENCY,
 24
 Counter-claimant,
 25
 vs.
 26 LN MANAGEMENT, LLC SERIES
 27 5664 DIVOT.
 28
 Counter-Defendant.

1 Plaintiff/Counter-defendant LN Management, LLC Series 5664 Divot,
2 Defendant/Counter-plaintiff JPMorgan Chase Bank, N.A. and Intervenors/Counter-
3 plaintiffs Federal National Mortgage Association (“Fannie Mae”) and Federal
4 Housing Finance Agency (“FHFA”) (collectively “the parties”) by and through their
5 counsel of record, hereby stipulate and agree as follows:

6 1. On July 15, 2015, the parties filed a Joint Motion to Stay Discovery [Dkt No.
7 44], which the court granted on July 20, 2015 [Dkt No. 45], staying this action
8 through August 26, 2015 in order for the parties to analyze this matter in the
9 context of Judge Navarro’s decisions and to thereafter file either a discovery plan
10 and scheduling order, or a briefing schedule.

11 2. The parties agree that the issue of whether a homeowner’s association
12 foreclosure sale conducted under Nevada Revised Statute § 116.3116 may
13 extinguish Fannie Mae’s property interest, or whether such a result is precluded by
14 12 U.S.C. § 4617(j)(3) can be decided without the need for discovery.

15 3. The parties further agree to the following proposed briefing schedule:

- 16 a. Motion for summary judgment due September 16, 2015;
- 17 b. Response to motion for summary judgment due October 14, 2015; and
- 18 c. Reply in support of motion for summary judgment due October 28, 2015.

19 4. Pursuant to *Ministerio Roca Solida v. U.S. Dept. of Fish and Wildlife*, 288
20 F.R.D. 500, 506 (D. Nev. 2013) (stay of discovery is appropriate when (1) the
21 pending motion is potentially dispositive of the entire case; and (2) the pending
22 motion can be decided without additional discovery), the parties respectfully request
23 that discovery in this matter be stayed pending a decision on the motion for
24 summary judgment.

25 5. In the event this matter is not disposed of pursuant to the motion for
26 summary judgment, the parties shall file a stipulated discovery plan and scheduling
27 order no later than thirty (30) days following the Court’s entry of an order related to
28 the motion for summary judgment.

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

6. This Stipulation is made in good faith in an effort to save time, money and expense on the part of the parties, as well to save judicial resources of this Court.

IT IS SO STIPULATED this 26th day of August, 2015.

By: <u>/s/ Kerry Faughnan</u> Kerry P. Faughnan PO Box 335361 North Las Vegas, NV 89033 Kerry.faughnan@gmail.com <i>Attorney for Plaintiff</i>	BALLARD SPAHR LLP By: <u>/s/ Abran Vigil</u> Abran E. Vigil (SBN 7548) Sylvia O. Semper (SBN 12863) 100 N. City Parkway, Suite 1750 Las Vegas, Nevada 89106 <i>Attorneys for JPMorgan Chase Bank, N.A. and Federal National Mortgage Association</i>
FENNEMORE CRAIG By: <u>/s/ Leslie Bryan Hart</u> Leslie Bryan Hart, Esq. (SBN4932) John D. Tennert, Esq. (SBN 11728) 300 S. Second St., Suite 1510 Reno, Nevada 89501 <i>Attorneys for Intervenor Federal Housing Financing Agency</i>	ARNOLD & PORTER LLP By: <u>/s/ Asim Varma</u> Asim Varma, Esq.* Howard N. Cayne, Esq.* Michael A.F. Johnson, Esq.* <i>Attorneys for Intervenor Federal Housing Finance Agency</i> *pro hac vice petitions to be submitted

IT IS SO ORDERED:


United States Magistrate Judge

Dated: August 27, 2015