

Snell & Wilmer
LLP
LAW OFFICES
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, Nevada 89169
702.784.5200

1 Janine C. Prupas, Esq.
Nevada Bar No. 9156
2 Kiah D. Beverly-Graham, Esq.
Nevada Bar No. 11916
3 SNELL & WILMER L.L.P.
50 W. Liberty Street, Suite 510
4 Reno, NV 89501
Telephone: (775) 785-5440
5 Facsimile: (775) 785-5441
Email: jprupas@swlaw.com
6 kbeverly@swlaw.com

7 *Attorneys for Defendant Wells Fargo Bank, N.A.*

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 RLP-VERVAIN COURT, LLC, a Nevada
11 series limited liability company of the
12 container RED LIZARD PRODUCTIONS,
13 LLC under NRS § 86.296,

14 Plaintiff,

15 v.

16 DHI MORTGAGE COMPANY, LTD., a
17 Texas limited partnership; WELLS FARGO
18 BANK, N.A., a national association; FORT
19 APACHE SQUARE HOMEOWNERS
20 ASSOCIATION, a Nevada domestic non-
21 profit corporation; MTC FINANCIAL INC., a
California corporation; REPUBLIC SILVER
STATE DISPOSAL, INC., a Nevada
corporation; JOSEPH A. NEWELL, an
individual; DOES I through X; and ROE
CORPORATIONS I through X, inclusive,

22 Defendants.

CASE NO. 2:13-cv-01517-GMN-CWH

**STIPULATION AND ORDER TO
EXTEND TIME FOR DISPOSITIVE
MOTION BRIEFING**

(SECOND REQUEST)

23 Wells Fargo Bank, N.A. (“Wells Fargo”) and RLP-Vervain Court, LLC (“RLP-Vervain”),
24 through their counsel of record, hereby stipulate and request an order from the Court to extend the
25 dispositive motion briefing schedule as described herein.

26 Wells Fargo and RLP-Vervain have filed competing motions for summary judgment.
27 Currently opposition papers are due no later than January 5, 2018 and replies in further support
28 are due no later than February 2, 2018.

1 The Ninth Circuit recently issued its decision regarding the application of 12 U.S.C. §
2 4617(j)(3) to Nevada HOA foreclosures and the preemption of NRS 116 for loans owned by the
3 Federal National Mortgage Association and Federal Home Loan Mortgage Corporation (“Freddie
4 Mac”). *Berezovsky v. Moniz*, 869 F.3d 923 (9th Cir. 2017).

5 The Supreme Court of Nevada recently issued its decision concerning, among other
6 things, the analysis relevant to whether a low sales price and other factors warrant setting aside an
7 HOA sale. *Nationstar Mortgage, LLC v. Saticoy Bay LLC Series 2227 Shadow Canyon*, 405 P.3d
8 641 (Nev. 2017).

9 Both of the aforementioned decisions are relevant to this litigation, which involves the
10 effect of a Nevada HOA foreclosure sale on a property which Wells Fargo asserts is owned by
11 Freddie Mac. Though the parties disagree as to the effect of these decisions, they agree that they
12 present complex issues which warrant a modest extension of time in order for them to be fully
13 briefed.

14 One prior extension of approximately one month for opposition and approximately six
15 weeks for reply was granted on December 7, 2017. Though the parties have endeavored to
16 complete their motion papers within the time frame previously ordered, the complexity of the
17 issues, as discussed above, in combination with the recent holidays, has made this additional
18 request necessary.

19 ///
20 ///
21 ///
22 ///
23 ///
24 ///
25 ///
26 ///
27 ///
28 ///

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

Accordingly, the Parties agree to, and respectfully request, an order as follows:

1. Oppositions to Wells Fargo’s and RLP-Vervian’s Motions for Summary Judgment shall be filed and served via the Court’s ECF system no later than January 23, 2018.

2. Replies in further support of Wells Fargo’s and RLP-Vervian’s Motions for Summary Judgment shall be filed and served via the Court’s ECF system no later than February 23, 2018.

Dated: January 2, 2018.

Dated: January 2, 2018.

SNELL & WILMER L.L.P.

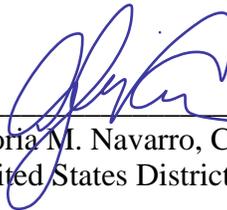
COOPER COONS, LTD.

By: /s/ Kiah Beverly-Graham
Janine C. Prupas, Esq.
NV Bar No. 9156
Kiah D. Graham-Beverly, Esq.
NV Bar No. 11916
50 West Liberty Street, Suite 510
Reno, Nevada 89501
Attorneys for Wells Fargo Bank, N.A.

By: /s/ J. Charles Coons
J. Charles Coons, Esq.
NV Bar No. 10553
Thomas A. Miskey, Esq.
NV Bar No. 13540
10655 Park Run Drive, Suite 130
Las Vegas, Nevada 89144
Attorneys for RLP-Vervain Court, LLC

IT IS SO ORDERED.

Dated this 12 day of January, 2018.



Gloria M. Navarro, Chief Judge
United States District Court