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 LENNAR CORPORATION; and LENNAR SALES CORP.
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9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11
 12 AZURE MANOR/RANCHO DE PAZ
 HOMEOWNERS ASSOCIATION, a Nevada
 13 residential, common-interest planned
 community,
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Plaintiff,

15 v.

16 U.S. HOME CORPORATION, a Delaware
 17 corporation; LENNAR CORPORATION, a
 Nevada corporation; LENNAR SALES
 18 CORP., a California corporation, and DOES 1-
 100, inclusive,
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Defendants.
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CASE NO.: 2:15-cv-00002-JAD-CWH

**STIPULATION AND
 ORDER LIFTING STAY**

ECF No. 37

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 22 On May 5, 2015, this Honorable Court entered a stay in this action pending the completion
 23 of the NRS Chapter 40 pre-litigation process. (ECF 29). On June 23, 2015, Defendants U.S.
 24 HOME CORPORATION, LENNAR CORPORATION, and LENNAR SALES CORPORATION
 25 (collectively “Defendants”), filed a motion for partial summary judgment to determine the scope
 26 of Plaintiff’s NRS Chapter 40 notice (i.e., the number of the homes and issues for which the notice
 27 was adequate). (ECF 30). On March 31, 2016, this Court entered an Order on Defendants’
 28 motion for partial summary judgment, providing the parties with guidance as to the number of

1 homes and defects for which Plaintiff, the AZURE MANOR/RANCHO DE PAZ
 2 HOMEOWNERS’ ASSOCIATION (“Plaintiff”), provided proper notice under Chapter 40. (ECF
 3 36).

4 Plaintiff and Defendants (collectively, “Parties”) met and conferred in an attempt to
 5 streamline the Chapter 40 pre-litigation inspection and discovery process. Accordingly, the
 6 Parties, by and through their respective counsel of record, **HEREBY STIPULATE AND**
 7 **AGREE to the following terms, subject to the approval of this Court:**

8 1. Plaintiff will only pursue claims for 49 homes in the Azure Manor/Rancho de Paz
 9 community as follows and consistent with this Court’s March 31, 2016 Order (ECF 36):

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| 10 | 6150 | Darnley St. |
| 11 | 2909 | Alderley Ridge Ave. |
| 12 | 6141 | Sydney Bay Ct. |
| 13 | 2917 | Alderley Ridge Ave. |
| 14 | 2921 | Alderley Ridge Ave. |
| 15 | 6134 | Darnley St. |
| 16 | 2841 | Kildare Cove Ct. |
| 17 | 2842 | Kildare Cove Ct. |
| 18 | 2908 | Kildare Cove Ct. |
| 19 | 2836 | Tilten Kilt Ave. |
| 20 | 2917 | Tilten Kilt Ave. |
| 21 | 2834 | Bridleton Ave. |
| 22 | 2921 | Bridleton Ave. |
| 23 | 6054 | Darnley St. |
| 24 | 2913 | Kildare Cove Ct. |
| 25 | 6134 | Sydney Bay Ct. |
| 26 | 2908 | Bridleton Ave. |
| 27 | 2912 | Bridleton Ave. |
| 28 | 2913 | Bridleton Ave. |
| | 6074 | Darnley St. |
| | 6149 | Darnley St. |
| | 2830 | Kildare Cove Ct. |
| | 2834 | Kildare Cove Ct. |
| | 6129 | Sydney Bay Ct. |
| | 6146 | Sydney Bay Ct. |
| | 2905 | Tilten Kilt Ave. |
| | 2909 | Tilten Kilt Ave. |

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| 2913 | Tilten Kilt Ave. |
| 2920 | Tilten Kilt Ave. |
| 2929 | Bridleton Ave. |
| 6082 | Darnley St. |
| 2916 | Kildare Cove Ct. |
| 2905 | Alderley Ridge Ave. |
| 2925 | Bridleton Ave. |
| 6058 | Darnley St. |
| 2904 | Kildare Cove Ct. |
| 2909 | Kildare Cove Ct. |
| 6137 | Sydney Bay Ct. |
| 2837 | Bridleton Ave. |
| 2842 | Bridleton Ave. |
| 2909 | Bridleton Ave. |
| 2917 | Bridleton Ave. |
| 6130 | Darnley St. |
| 6145 | Darnley St. |
| 2829 | Kildare Cove Ct. |
| 2838 | Kildare Cove Ct. |
| 2905 | Kildare Cove Ct. |
| 2912 | Kildare Cove Ct. |
| 2916 | Tilten Kilt Ave. |

2. Defendants agree not to file a motion to compel the Plaintiff to arbitrate the claims asserted in this litigation.
3. The current stay in this case shall be lifted, effective on the date the Court executes this Stipulation and Order.
4. Inspections will take place after Defendants file their third-party complaint and the time for the third-party defendants to file a responsive pleading has expired. Defendants, on behalf of themselves and their subcontractors expressly reserve the right to make repairs pursuant to NRS 40.647. Any offers to make repairs shall be forwarded to Plaintiff within 30-days after inspections of all 49 homes are completed. At Defendants' request, Plaintiff's experts will be present at the inspections and will identify the location of each alleged construction defect, except for the following homes where Plaintiff's experts have already been present at Defendants' inspections to identify the location of each alleged construction defect:

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| 6130 | Darnley St. |
| 6141 | Sydney Bay Ct. |
| 6134 | Darnley St. |
| 6134 | Sydney Bay Ct. |
| 2913 | Tilten Kilt Ave. |


5. Plaintiff and Defendants agree not to seek reconsideration, appeal, or otherwise act inconsistently with this Court's March 31, 2016 Order (ECF 36).

DATED this 29 day of June, 2016
ANGUIS & TERRY, LLP
By: /s/ Scott P. Kelsey
Scott P. Kelsey, NV Bar No. 7770
1120 N. Town Center Dr., Ste. 260
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Tel. (702) 990-2017
Attorneys for Plaintiff

DATED this 29 day of June, 2016
PAYNE & FEARS LLP
By: /s/ Sarah J. Odia
Gregory H. King, NV Bar No. 7777
Sarah Odia, NV Bar No. 11053
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Attorneys for Defendants

IT IS SO ORDERED.

DATED: 6/29/16
4821-1231-4676.1


UNITED STATES DISTRICT JUDGE, DORSEY