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5 UNITED STATES DISTRICT COURT  
6 DISTRICT OF NEVADA

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8 U.S. BANK, N.A., SUCCESSOR  
9 TRUSTEE TO WACHOVIA BANK, N.A.,  
10 AS TRUSTEE FOR THE CERTIFICATE  
11 HOLDERS OF BANC OF AMERICA  
FUNDING CORPORATION,  
MORTGAGE-PASS THROUGH  
CERTIFICATES, SERIES 2004-C,

12 Plaintiff,

13 v.

14 EMERALD RIDGE LANDSCAPE  
15 MAINTENANCE ASSOCIATION; SFR  
16 INVESTMENTS POOL I, LLC; DOE  
INDIVIDUALS I-X, inclusive, and ROE  
CORPORATIONS I-X, inclusive,

17 Defendants.

Case No. 2:15-cv-00117-MMD-PAL

ORDER LIFTING STAY

18 On September 30, 2016 this Court issued an order addressing cross motions for  
19 summary judgment. (ECF No. 57.) The Court deferred ruling on certain issues that  
20 involved an analysis of the constitutionality of NRS Chapter 116's notice provisions and  
21 issued a temporary stay pending the issuance of a mandate in *Bourne Valley Court Trust*  
22 *v. Wells Fargo Bank, NA*, No. 15-15233 (9th Cir. 2016). (*Id.* at 8.) The Court also issued a  
23 stay in a number of similar cases.

24 The Ninth Circuit issued the mandate on December 14, 2016, after denying a  
25 petition for en banc hearing and a petition for a stay pending the resolution of a petition  
26 for writ of certiorari. *Bourne Valley Court Trust v. Wells Fargo Bank, NA*, No. 15-15233  
27 (9th Cir. Dec. 14, 2016) (mandate). The appellee specifically cited one of this Court's stay  
28 orders in its request for a stay of the Ninth Circuit's mandate, arguing that delaying the

1 mandate would promote efficiency. Nevertheless, the Ninth Circuit denied appellee's  
2 motion. Thus, *Bourne Valley's* holding is binding precedent unless and until it is reversed,  
3 though such finality may not occur for months. Under these circumstances, the Court finds  
4 that a continued stay would not promote fairness or "secure the just, speedy, and  
5 inexpensive determination" of this case as mandated under Fed. R. Civ. P. 1.

6 Accordingly, the temporary stay will be lifted. The parties may file motions  
7 addressing the issues upon which the Court deferred ruling within thirty (30) days.

8 DATED THIS 19<sup>th</sup> day of January 2017.

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12 MIRANDA M. DU  
13 UNITED STATES DISTRICT JUDGE  
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