

COHEN|JOHNSON|PARKER|EDWARDS
375 E. Warm Springs Road, Ste. 104
Las Vegas, Nevada 89119
(702) 823-3500 FAX: (702) 823-3400

COHEN|JOHNSON|PARKER|EDWARDS
H. STAN JOHNSON, ESQ.
Nevada Bar No. 00265
sjohnson@cohenjohnson.com
CHRIS DAVIS, ESQ.
Nevada Bar No. 06616
cdavis@cohenjohnson.com
375 E. Warm Springs Road, Suite 104
Las Vegas, Nevada 89119
Telephone: (702) 823-3500
Facsimile: (702) 823-3400
Attorneys for Defendants, MEI-GSR Holdings, LLC and
Grand Sierra Resort Unit-Owners' Association

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WELLS FARGO BANK, N.A., TRUSTEE
FOR THE CERTIFICATEHOLDERS OF
BANK OF AMERICA FUNDING
CORPORATION MORTGAGE PASS
THROUGH CERTIFICATES, SERIES
2007-5,

Plaintiff,

vs.

MEI-GSR HOLDINGS, LLC; GRAND
SIERRA RESORT UNIT-OWNERS'
ASSOCIATION; DOE INDIVIUTALS 1
through 10, inclusive, and ROE
CORPORATIONS 1 through 10, inclusive,

Defendants.

Case No.: 2:15-cv-00654-GMN-CWH

**STIPULATION AND [PROPOSED] ORDER
TO MODIFY SCHEDULING ORDER AND
EXTEND THE TIME TO RESPOND**

(First Request)

Plaintiff WELLS FARGO BANK, N.A and Defendants MEI-GSR HOLDINGS, LLC;
GRAND SIERRA RESORT UNIT-OWNERS' ASSOCIATION, by and through their respective
counsel of record, have agreed to extend the time for discovery, extend the time to respond to
Plaintiff's Second Amended Complaint, and the time to respond to Plaintiff's motion for
summary judgment. These extensions are requested in good faith in order to provide time for

1 this Court to rule on Defendants’ motion for stay which was filed on February 15, 2018, which
2 has now been fully brief.

3 As this Court is aware, this case had been previously stayed pending the final
4 resolution of the petition for writ certiorari to the United States Supreme Court in Bourne Valley
5 Court Trust v. Wells Fargo Bank, which was ultimately lifted on October 18, 2017. This Court,
6 however, certified the following question to the Nevada Supreme Court: “Whether NRS §
7 116.31168(1)'s incorporation of NRS § 107.090 required a homeowner's association to provide
8 notices of default and/or sale to persons or entities holding a subordinate interest even when such
9 persons or entities did not request notice, prior to the amendments that took effect on Oct 1,
10 2015?” See Bank of New York Mellon v. Star Hill Homeowners Ass'n, Case No. 2:16-CV-02561-
11 RFB-PAL, 2017 WL 1439671, at *5 (D. Nev. Apr. 21, 2017). In an Order filed June 13, 2017,
12 the Nevada Supreme Court accepted this certified question. See SFR Investment Pool 1, LLC v.
13 Bank of New York Mellon, Case No. 72931, Order Accepting Certified Question, Directing
14 Briefing, and Directing Submission of Filing Fee, at *1 (Nev. June 13, 2017).

15 In an effort to reduce costs, the parties have engaged in only limited discovery,
16 anticipating that the Nevada Supreme Court would shortly answer the certified question.
17 Plaintiff has sought records from the Alessi & Koenig, LLC, the lien servicer for the HOA. No
18 other discovery has been conducted in order to avoid unnecessary expenses and a waste of the
19 parties’ and the court's time and resources. While the final reply brief in SFR Investment Pool 1,
20 Case No. 72931 was filed on November 28, 2017, the Nevada Supreme Court has not yet
21 answered the certified question and this Court has not yet ruled on Defendants’ motion to stay.
22 The parties have agreed to a limited extension of the discovery deadline and to extend the time to
23 respond to Plaintiffs’ newly amended complaint and newly filed motion for summary judgment
24 in order to afford this Court adequate time to consider Defendants’ motion for stay.

25 The extension of discovery deadline is also warranted because when Plaintiff amended its
26 complaint, Plaintiff add a new party, Defendant DB PRIVATE WEALTH MORTGAGE LTD.
27 DB Private Wealth, however, has not yet been served. Once served, the parties anticipate that
28 DB Private Wealth will wish time to conduct discovery after responding to Plaintiff’s complaint.

1 Accordingly, based on the foregoing and for good cause appearing, the Parties, by and through
2 their respective counsel of record, do hereby stipulate and agree as follows:

3 1. The discovery cut-off date shall be extended by ninety-one (91) days, and the
4 discovery cut-off date shall be Monday, July 16, 2018.

5 2. The filing of dispositive motions shall be not later than thirty (30) days after the
6 discovery cut-off date or Wednesday, August 15, 2018.

7 3. The deadline for filing the Joint Pretrial Order shall be thirty (30) days
8 after the Dispositive Motion deadline. In the event dispositive motions are filed, the
9 deadline for filing the Joint Pretrial Order will be suspended until thirty (30) days after the
10 decision on the dispositive motions or further court order.

11 4. The time for Defendants MEI-GSR Holdings, LLC and Grand Sierra Resort Unit-
12 Owners' Association to respond to Plaintiff's Second Amended Complaint and motion for
13 summary judgement shall be extended and are now due on Monday, April 16, 2018.

14 Dated this 14th day of March 2018.

Dated this 14th day of March 2018.

15 COHEN|JOHNSON|PARKER|EDWARDS

AKERMAN LLP

16 By: /s/ Chris Davis

By: /s/ Rex D. Garner

17 H. Stan Johnson, Esq.
18 Nevada Bar No. 00265
19 Chris Davis, Esq.
20 Nevada Bar No. 6616
21 375 E. Warm Springs Rd., Suite 104
22 Las Vegas, Nevada 89119
23 Attorneys for Defendants

24 ARIEL E. STERN, ESQ.
25 Nevada Bar No. 8276
26 REX D. GARNER, ESQ.
27 Nevada Bar No. 9401
28 1635 Village Center Circle, Suite 200
Las Vegas, NV 89134
Attorneys for Plaintiff

ORDER

IT IS SO ORDERED.

DATED March 19, 2018



UNITED STATES MAGISTRATE JUDGE