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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SUMMIT REAL ESTATE GROUP, INC.

Case No. 2:15-cv-00760-KJD-GWF

Plaintiff,

vs.

FEDERAL HOME LOAN MORTGAGE
CORPORATION; FHLMC BANK, MITCHELL
LABORWIT,

Defendants.

STIPULATION TO CONTINUE STAY

On December 14, 2016, the Ninth Circuit issued its mandate in *Bourne Valley Court Trust v. Wells Fargo Bank, N.A.*, a decision which may have a significant effect on this case. *See Bourne Valley Court Trust v. Wells Fargo Bank, NA*, 832 F.3d 1154 (9th Cir. 2016). On January 30, 2017, Justice Anthony Kennedy extended the time for Bourne Valley Court Trust to file a petition for a writ of certiorari to March 6, 2017. The parties also note that the Nevada Supreme Court has stayed the issuance of remittitur in *Saticoy Bay LLC Series 350 Durango 104 v. Wells Fargo Home Mortg., a Div. of Wells Fargo Bank, N.A.*, 133 Nev. Adv. Op. 5 (2017), pending the prospective filing of Wells Fargo Home Mortgage's petition for a writ of certiorari with the United States Supreme Court. Based upon the foregoing, the parties anticipate that the United States Supreme Court may grant certiorari and hear the cases jointly.

1 A district court has the inherent power to stay cases to control its docket and promote the
2 efficient use of judicial resources. *Landis v. N. Am. Co.*, 299 U.S. 248, 254–55 (1936); *Dependable*
3 *Highway Exp., Inc. v. Navigators Ins. Co.*, 498 F.3d 1059, 1066 (9th Cir. 2007). When determining
4 whether to stay a case pending the resolution of another case, a district court must consider (1) the
5 possible damage that may result from a stay, (2) any “hardship or inequity” that a party may suffer if
6 required to go forward, (3) “and the orderly course of justice measured in terms of the simplifying or
7 complicating of issues, proof, and questions of law” that a stay will engender. *Lockyer v. Mirant Corp.*,
8 398 F.3d 1098, 1110 (9th Cir. 2005).

9 In this case, the parties submit that no damage will result from a continuance of the stay of this
10 case for a further 30 days, pending the filing of a petition for writ of certiorari with the United States
11 Supreme Court. However, should such petition not be filed, the parties will promptly stipulate to end
12 the stay in this case and proceed with filing any dispositive motions within 30 days of the Court’s order
13 terminating the stay of this case. Moreover, if the Court is not inclined to continue the stay of this case,
14 the parties will promptly file a stipulation ending such stay upon denial of the instant stipulation.

15 Dated: February 24, 2017

16 Dated: February 24, 2017

17 /s/ Nathan F. Smith

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23 *Attorney for Federal Home Loan Mortgage*
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25 /s/ Zachary T. Ball

26 Zachary T. Ball, #8364
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29 Las Vegas, Nevada 89129
30 Phone: (702) 303-8600

31 *Attorney for Plaintiffs*

32 **IT IS SO ORDERED.**

33 DATED this 27th day of February, 2017

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