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11 **UNITED STATES DISTRICT COURT**
 12 **DISTRICT OF NEVADA**

13 SUMMIT REAL ESTATE GROUP, INC.

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

14 Plaintiff,

15 vs.

16 FEDERAL HOME LOAN MORTGAGE
 17 CORPORATION; FHLMC BANK, MITCHELL
 18 LABORWIT,

19 Defendants.

20 **STIPULATION TO CONTINUE STAY**

21 On March 28, 2017, the Court approved the parties' stipulation to continue the stay of this case
 22 for a further 30 days pending the filing of a petition for writ of certiorari with the United States Supreme
 23 Court concerning the Ninth Circuit's decision *Bourne Valley Court Trust v. Wells Fargo Bank, NA*, 832
 24 F.3d 1154 (9th Cir. 2016). On April 3, 2017, a petition for a writ of certiorari was filed as United States
 25 Supreme Court case number 16-1208. The Supreme Court has not yet ruled on the petition.

26 The parties also note that the Nevada Supreme Court has stayed the issuance of remittitur in
 27 *Saticoy Bay LLC Series 350 Durango 104 v. Wells Fargo Home Mortg., a Div. of Wells Fargo Bank,*
 28 *N.A.*, 133 Nev. Adv. Op. 5 (2017) to June 21, 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 90 days, pending the Supreme Court’s ruling on the petition for a writ of certiorari in
11 the *Bourne Valley* case and the prospective filing of a petition for writ of certiorari with the Supreme
12 Court in the *Saticoy Bay* case. However, should the Supreme Court deny the petition for a writ of
13 certiorari in the *Bourne Valley* case, the parties will promptly stipulate to end the stay in this case and
14 proceed with filing any dispositive motions within 30 days of the Court’s order terminating the stay of
15 this case. Moreover, if the Court is not inclined to continue the stay of this case, the parties will
16 promptly file a stipulation ending such stay upon denial of the instant stipulation.

17 Dated: April 27, 2017

Dated: April 27, 2017

18 /s/ Nathan F. Smith

/s/ Zachary T. Ball

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Attorney for Plaintiffs

24 **IT IS SO ORDERED.**

25 DATED this 1st day of May, 2017

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28 
UNITED STATES DISTRICT COURT JUDGE