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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SUMMIT REAL ESTATE GROUP, INC. Plaintiff, vs. FEDERAL HOME LOAN MORTGAGE CORPORATION; FHLMC BANK, MITCHELL LABORWIT, Defendants.	Case No. 2:15-cv-00760-KJD-GWF

STIPULATION TO CONTINUE STAY

On April 27, 2017, the Court approved the parties' stipulation to continue the stay of this pending the United States Supreme Court's decision on a petition for writ of certiorari filed in connection with the Ninth Circuit's decision *Bourne Valley Court Trust v. Wells Fargo Bank, NA*, 832 F.3d 1154 (9th Cir. 2016). Subsequently, the Supreme Court denied the petition.

The parties also note that the Nevada Supreme Court's decision 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) was not appealed.

Notwithstanding the foregoing, the results of the foregoing cases have informed the parties' settlement discussions, which are ongoing. Currently, a settlement offer has been communicated and is under consideration by Defendants.

A district court has the inherent power to stay cases to control its docket and promote the

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

In light of the parties' ongoing settlement discussions and in furtherance of the parties' desire to exhaust settlement efforts prior to incurring attorney fees and costs associated with filing, briefing, and litigating dispositive motions and, potentially, proceeding with trial, the parties submit that no damage will result from a continuance of the stay of this case for a further 90 days. The parties expect that they will either settle the case within the next 90 days or will have exhausted settlement efforts and be prepared to proceed with filing dispositive motions. Moreover, in the interim, should either party conclude that settlement efforts have been exhausted, the parties will stipulate to dissolve the stay and stipulate to a deadline by which dispositive motions must be filed.

Dated: September 26, 2017

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Dated: September 26, 2017

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IT IS SO ORDERED.

DATED this 29th day of September, 2017

UNITED STATES DISTRICT COURT JUDGE