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16 *Wells Fargo Bank, N.A.*

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

13 WELLS FARGO BANK, N.A., a national
14 banking association;

15 Plaintiff,

16 vs.

17 SFR INVESTMENTS POOL 1, LLC, a
18 Nevada limited-liability company; FIESTA
19 DEL NORTE HOMEOWNERS
20 ASSOCIATION, a Nevada non-profit
21 corporation; ALESSI & KOENIG, LLC, a
22 Nevada limited-liability company;

23 Defendants.

24 SFR INVESTMENTS POOL 1, LLC, a
25 Nevada limited-liability company,

26 Counter Claimant,

27 vs.

28 WELLS FARGO BANK, N.A., a national
banking association; EDGAR I. TREYES, an
individual,

Counter Defendant,
Cross Defendant.

Case No.: 2:15-cv-00800-GMN-CWH

**STIPULATION AND ORDER TO STAY
CASE AND POSTPONE SETTLEMENT
CONFERENCE**

(FIRST REQUEST)

STIPULATION

Pursuant to Local Rules 6-1 and 7-1, it is hereby stipulated by and between Plaintiff Wells Fargo Bank, N.A. (“Wells Fargo”), Defendant and Counter-Claimant SFR Investments Pool 1, LLC (“SFR”), Defendant Fiesta Del Norte Homeowners Association (“HOA”), and Defendant Alessi & Koenig, LLC (“Alessi”), through their respective attorneys, as follows:

WHEREAS on May 25, 2016, the Court referred this case to the Magistrate Judge for a settlement conference pursuant to LR 16-5 (ECF No. 50); and

WHEREAS on June 20, 2016, the Magistrate Judge issued an Order granting a stipulation to continue the settlement conference (ECF No. 55) and setting the settlement conference for September 16, 2016; and

WHEREAS the Ninth Circuit Court of Appeals issued a decision in *Bourne Valley Court Trust v. Wells Fargo Bank, N.A.*, 2016 WL 4254983, ___ F.3d ___ (9th Cir. August 12, 2016), determining that the statute at issue in this case violated due process; and

WHEREAS a petition for rehearing has been filed and an order for response has been filed in *Bourne Valley*, and no mandate has yet issued in that case,

Now therefore, the Parties stipulate and agree to stay this litigation and postpone the settlement conference pending a resolution of the issues raised in *Bourne Valley*, which issues may impact this case.

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The stay may be lifted by stipulation of the parties or by motion.

DATED this 14th day of September, 2016.

DATED this 14th day of September, 2016.

SNELL & WILMER L.L.P.

KIM GILBERT EBRON

By: /s/ Wayne Klomp

By: /s/ Jacqueline A. Gilbert

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Pool 1, LLC*

DATED this 13th day of September, 2016.

ALESSI & KOENIG, LLC

By: /s/ Steven T. Loizzi, Jr.

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Del Norte Homeowners Association*

1 **ORDER**

2 **IT IS HEREBY ORDERED** that this case is administratively **STAYED** pending
3 exhaustion of all appeals of *Bourne Valley Court Trust v. Wells Fargo Bank*, No. 15-15233 (9th
4 Cir. Aug. 12, 2016). Once exhaustion occurs, any party may move to lift the stay. Until that
5 time, all proceedings in this action are stayed.

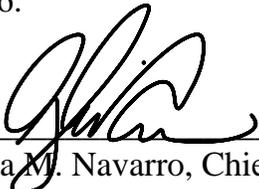
6 **IT IS FURTHER ORDERED** that pursuant the Parties' joint request in Stipulation
7 (ECF No. 61), the settlement conference set for September 16, 2016, is hereby **VACATED**.
8 Nevertheless, this Order does not prevent the parties from continuing to engage in settlement
9 negotiations with the assistance of the Magistrate Judge.

10 **IT IS FURTHER ORDERED** that all pending motions are **DENIED** without prejudice
11 with leave to refile within twenty-one days after the stay is lifted.

12 **IT IS FURTHER ORDERED** that current occupant, SFR Investments Pool 1, LLC
13 ("SFR"), who purchased the Property at the HOA foreclosure sale, shall care for, preserve, and
14 maintain the Property.

15 **IT IS FURTHER ORDERED** that, beginning on March 15, 2017, the parties must file
16 a joint status report updating the Court on the status of this case every one-hundred and eighty
17 days. Along with the joint status report, SFR shall submit a statement affirming that all
18 expenses necessary to maintain the property, including but not limited to, timely and full
19 payment of all homeowners association assessments, property taxes, and property insurance
20 premiums due and owing or past due at any time during the effective period of this Stay are
21 current and up to date.

22 **DATED** this 15 day of September, 2016.

23
24 
25 _____
Gloria M. Navarro, Chief Judge
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2016, I electronically filed the foregoing with the Clerk of Court for the U.S. District Court, District of Nevada by using the Court’s CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system, including the following:

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*Attorneys for
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and Alessi & Koenig, LLC*

DATED: September 14, 2016

/s/ Lara J. Taylor
An Employee of Snell & Wilmer L.L.P.

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