

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

Goldsmith v. U.S. Bank	2:15-cv-00991-MMD-PAL
Bank of America v. Woodcrest HOA	2:15-cv-01193-MMD-GWF
Wells Fargo v. Tides I HOA	2:15-cv-01204-MMD-PAL
Nationstar v. Aurora Canyon HOA	2:15-cv-01308-MMD-NJK
Nationstar v. Shara Sunrise HOA	2:15-cv-01597-MMD-NJK
Nationstar v. Augusta Belford and Ellingwood HOA	2:15-cv-01705-MMD-PAL
1290 Village Walk Trust v. Bank of America	2:15-cv-01903-MMD-PAL
Bank of New York Mellon v. Log Cabin Manor HOA	2:15-cv-02026-MMD-CWH
US Bank v. Ski Way Trust	2:16-cv-00066-MMD-GWF
Bank of New York Mellon v. Imagination North	2:16-cv-00383-MMD-NJK
Bank of America v. Green Valley South	2:16-cv-00424-MMD-PAL
Bank of America v. Inspirada Community Assoc.	2:16-cv-00438-MMD-VCF
Bank of America v. Sunrise Ridge	2:16-cv-00467-MMD-CWH
Deutsche Bank v. Independence II HOA	2:16-cv-00536-MMD-VCF
Bank of America v. Inspirada Community Assoc.	2:16-cv-00605-MMD-VCF
Bank of America v. Peccole Ranch Community Assoc.	2:16-cv-00660-MMD-CWH
Nationstar v. SFR Investments Pool	2:16-cv-00703-MMD-GWF
Bank of Amierca v. Treo North and South HOA	2:16-cv-00845-MMD-NJK
Wells Fargo v. SFR Investments Pool	3:15-cv-00240-MMD-VPC
US Bank v. Thunder Properties	3:15-cv-00328-MMD-WGC
PNC Bank v. Wingfield Springs Community Assoc.	3:15-cv-00349-MMD-VPC
Nationstar v. Highland Ranch HOA	3:15-cv-00375-MMD-VPC
US Bank v. White Lake Ranch Assoc.	3:15-cv-00477-MMD-VPC
GMAT Legal Title Trust v. SFR Investments Pool	3:15-cv-00518-MMD-WGC
Bank of New York Mellon v. Thunder Properties	3:16-cv-00097-MMD-WGC
Bank of America v. North Truckee Townhomes HOA	3:16-cv-00135-MMD-VPC
Bank of America v. Grand Sierra Resort Unit Owners	3:16-cv-00146-MMD-WGC
Bank of America v. Tenaya Creek HOA	3:16-cv-00158-MMD-WGC
Bank of America v. Southwest Meadows HOA	3:16-cv-00183-MMD-VPC
Bank of America v. The Siena HOA	3:16-cv-00188-MMD-VPC
Ditech Financial v. Highland Ranch HOA	3:16-cv-00194-MMD-WGC
Bank of America v. Aspen Meadows	3:16-cv-00413-MMD-WGC
US Bank v. Fairway Pines Assoc.	3:16-cv-00446-MMD-VPC

ORDER
 Staying Case Pending Issuance of Mandate in
Bourne Valley Court Trust v. Wells Fargo Bank
 and Denying Pending Motions without Prejudice

The above referenced cases arise out of a homeowner’s association (“HOA”) foreclosure and involve a constitutional due process challenge to Nevada Revised

1 Statute Chapter 116's notice provisions. On August 12, 2016, the Ninth Circuit Court of
2 Appeals, in a 2-1 panel decision, found that Chapter 116's notice provisions as applied
3 to nonjudicial foreclosure of an HOA lien before the 2015 amendment to be facially
4 unconstitutional. *Bourne Valley Court Trust v. Wells Fargo Bank, NA*, No. 15-15233,
5 2016 WL 4254983 (9th Cir. Aug. 12, 2016). The *Bourne Valley* decision obviously has
6 profound impact on each case. Accordingly, the Court finds that it is appropriate to *sua*
7 *sponte* impose a temporary stay until the mandate is issued in *Bourne Valley*.

8 A district court has discretionary power to stay proceedings in its own court.
9 *Landis v. N. Am. Co.*, 299 U.S. 248, 254-55 (1936); *see also Lockyer v. Mirant Corp.*,
10 398 F.3d 1098, 1109 (9th Cir. 2005). "A trial court may, with propriety, find it is efficient
11 for its own docket and the fairest course for the parties to enter a stay of an action
12 before it, pending resolution of independent proceedings which bear upon the case."
13 *Leyva v. Certified Grocers of Cal., Ltd.*, 593 F.2d 857, 863 (9th Cir. 1979). "When
14 considering a motion to stay, the district court should consider three factors: (1)
15 potential prejudice to the non-moving party; (2) hardship and inequity to the moving
16 party if the action is not stayed; and (3) the judicial resources that would be saved by
17 avoiding duplicative litigation if the cases are in fact consolidated." *Pate v. Depuy*
18 *Orthopaedics, Inc.*, No. 2:12-cv-01168-MMD-CWH, 2012 WL 3532780, at *2 (D. Nev.
19 Aug. 14, 2012) (quoting *Rivers v. Walt Disney Co.*, 980 F. Supp. 1358, 1360 (C.D. Cal.
20 1997)) (internal quotation marks omitted). *See also Dependable Highway Exp., Inc. v.*
21 *Navigators Ins. Co.*, 498 F.3d 1059, 1067 (9th Cir. 2007).

22 These three factors weigh in favor of a brief temporary stay. A temporary stay
23 would promote judicial economy, particularly given *Bourne Valley's* ruling's effect on the
24 due process issue raised in each case. Any potential hardship or prejudice would be
25 minimal in light of the brief duration of the stay until a mandate is issued in *Bourne*
26 *Valley*. In fact, a stay would benefit the parties as they assess *Bourne Valley's* import
27 without having to file any unnecessary supplemental briefing.


28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

It is therefore ordered that the above referenced actions are temporarily stayed. Upon the Ninth Circuit's issuance of the mandate in *Bourne Valley*, the parties in each case may move to lift the stay. Until that time, all proceedings are stayed.

It is further ordered that all pending motions are denied without prejudice to their refiling within thirty (30) days after the stay is lifted.

DATED THIS 19th day of August 2015.


MIRANDA M. DU
UNITED STATES DISTRICT JUDGE