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 5
 6 Attorney for Defendant/Third-Party Plaintiff
 ELKHORN COMMUNITY ASSOCIATION

7
 8 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

9
 10 THE BANK OF NEW YORK MELLON
 FKA THE BANK OF NEW YORK, AS
 11 SUCCESSOR TO JPMORGAN CHASE
 BANK, N.A., AS TRUSTEE FOR THE
 12 HOLDERS OF THE MLMI SURG TRUST,
 MORTGAGE LOAN ASSET-BACKED
 13 CERTIFICATES, SERIES 2005-AB1,

14 Plaintiff,

15 vs.

16 ELKHORN COMMUNITY ASSOCIATION;
 7321 WANDERING STREET TRUST;
 17 DOE INDIVIDUALS I-X, inclusive; and
 ROE CORPORATIONS I-X, inclusive,

18 Defendants.

19 _____
 20 ELKHORN COMMUNITY ASSOCIATION,

21 Third-Party Plaintiff,

22 vs.

23 ANGIUS & TERRY COLLECTIONS, LLC;
 DOES I THROUGH X and ROE
 24 CORPORATIONS XI THROUGH XX,

25 Third-Party Defendants.
 26 _____

CASE NO. 2:15-cv-01272-APG-PAL

**STIPULATION AND ORDER
 REGARDING TRIAL TESTIMONY
 OF DEFENDANT ELKHORN
 COMMUNITY ASSOCIATION**

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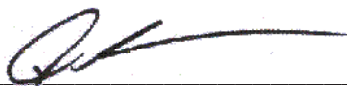
1 Plaintiff, The Bank of New York Mellon fka the Bank of New York, as successor to JP
2 Morgan Chase Bank, N.A., as Trustee for the Holders of the MLMI Surg Trust, Mortgage Loan
3 Asset-backed Certificates, Series 2005-ABI (BNY Mellon), by and through its counsel of record,
4 Christine M. Parvan, Esq. of the law firm of Akerman, LLP; Defendant/Third-Party Plaintiff
5 Elkhorn Community Association, by and through its counsel of record, Christopher B. Anthony,
6 Esq. of the law firm Boyack Orme & Taylor; Third-Party Defendants ATC Assessment
7 Collection Group, LLC, by and through its counsel of record, Michael McKelleb, Esq., of the
8 law firm of Angius & Terry LLP; and Defendant 7321 Wandering Street Trust, by and through
9 its counsel of record, Luis A. Ayon, Esq., of the law firm of Maier Gutierrez Ayon, PLLC,
10 hereby stipulate regarding Trial Testimony of Defendant Elkhorn Community Association, and
11 agree as follows:

- 12 1. That a “non-appearance” was taken by Plaintiff on January 12, 2016 when a
13 representative of Defendant, Elkhorn Community Association did not appear for
14 deposition.
- 15 2. That the parties hereto agree that they will take no action to preclude the
16 testimony of a NRCP 30(b)(6) deponent from appearing on behalf of Defendant
17 Elkhorn Community Association at trial.

18 **ORDER**

19 IT IS ORDERED that Defendant/Third-Party Plaintiff ELKHORN
20 COMMUNITY ASSOCIATION shall not be precluded from presenting trial testimony
21 of its own representative as a result of its non-appearance at the January 12, 2016
22 deposition set for same.

23 Dated: February 2, 2016.

24 
25 _____
26 UNITED STATES DISTRICT JUDGE
27
28

1 DATED this 2nd day of February, 2016.

DATED this 2nd day of February, 2016.

2 MAIER GUTIERREZ AYON

BOYACK ORME & TAYLOR

3
4 By: /s/Luis A. Ayon
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9 *Attorney for Defendant 7321 Wandering
Street Trust*

*Attorney for Defendant/Third-Party
Plaintiff Elkhorn Community Association*

10 AKERMAN LLP

ANGIUS & TERRY LLP

11 By: /s/ Christine Parvan
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16 *Attorney for Plaintiff*

*Attorney for Third-Party Defendant
ATC Assessment Collection Group, LLC*

17
18 **ORDER**

19
20 **IT IS ORDERED** that Defendant/Third-Party Plaintiff ELKHORN COMMUNITY
21 ASSOCIATION shall not be precluded from presenting trial testimony of its own representative
22 as a result of its non-appearance at the January 12, 2016 deposition set for same.

23
24 **DATED:** February____, 2016

25
26 UNITED STATES DISTRICT JUDGE