

AKERMAN LLP

1635 VILLAGE CENTER CIRCLE, SUITE 200
Las Vegas, NV 89134
TEL.: (702) 634-5000 – FAX: (702) 380-8572

1 ARIEL E. STERN, ESQ.
Nevada Bar No. 8276
2 SCOTT R. LACHMAN ESQ.
Nevada Bar No. 12016
3 AKERMAN LLP
1635 Village Center Circle, Suite 200
4 Las Vegas, NV 89134
Telephone: (702) 634-5000
5 Facsimile: (702) 380-8572
Email: ariel.stern@akerman.com
6 Email: scott.lachman@akerman.com

7 Attorneys for Plaintiff U.S. Bank National
Association, as Trustee for the benefit of
8 Harborview 2005-16

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 NATIONSTAR MORTGAGE LLC,

12 Plaintiff,

13 v.

14 DESERT SHORES COMMUNITY
15 ASSOCIATION; RAM LLC; MRT ASSETS,
16 LLC; DOE INDIVIDUALS I-X, inclusive, and
ROE CORPORATIONS I-X, inclusive,

17 Defendants.

Case No.: 2:15-cv-01776-KJD-CWH

**RULE 15(A)(2) STIPULATION TO
U.S. BANK NATIONAL ASSOCIATION'S
FIRST AMENDED COMPLAINT**

18 MRT ASSETS, LLC

19 Counterclaimant,

20 v.

21 NATIONSTAR MORTGAGE LLC; DOE
22 INDIVIDUALS I-X, INCLUSIVE, AND ROE
CORPORATIONS I-X, INCLUSIVE,

23 Counterdefendants.
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25 U.S. Bank National Association, as Trustee for the benefit of Harborview 2005-16 (**U.S. Bank**)
26 and MRT Assets, LLC stipulate as follows:
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1 1. On September 15, 2015, plaintiff U.S. Bank (formerly Nationstar Mortgage LLC)¹ filed
2 this lawsuit against Desert Shores Community Association (**Desert Shores**), MRT Assets, LLC
3 (**MRT**), and RAM, LLC (**RAM**) regarding the October 4, 2013 foreclosure of the real property
4 located at **3001 Treasure Island Road, Las Vegas, NV 89128** (the **property**).

5 2. U.S. Bank through its servicer, Nationstar, requested mediation with the Nevada Real
6 Estate Division (**NRED**) on or about October 26, 2015.

7 3. On December 18, 2015, Desert Shores moved to dismiss U.S. Bank's claims against
8 Desert Shores. (ECF No. 37.) U.S. Bank responded to the motion to dismiss on December 22, 2015
9 and Desert Shores replied in support of the motion on January 4, 2016. (ECF Nos. 39-40.)

10 4. On December 9, 2016, U.S. Bank through its servicer, Nationstar, MRT, and Desert
11 Shores participated in NRED mediation but the parties were unable to resolve the dispute. (ECF No.
12 79.) RAM and Nevada Association Services, Inc. (**NAS**) refused to participate in the mediation
13 process. (Id. at Ex. 1.)

14 5. On August 1, 2016, the Court granted Desert Shores' motion to dismiss and dismissed
15 U.S. Bank's breach of NRS 116.1113 and wrongful foreclosure claims against Desert Shores. (ECF
16 No. 44.) The dismissal order specifically provides U.S. Bank's claims against Desert Shores are
17 "dismissed with leave to ref-file pending the exhaustion of mediation according to NRS § 38.310."
18 (Id.)

19 6. On May 4, 2017, the Court granted MRT's motions to stay and denied all outstanding
20 motions as moot.

21 7. On May 24, 2017, NRED issued its NRED Mediation Certificate advising the parties
22 the mediation was unsuccessful and the matter was now closed. (ECF No. 79 at Ex. 1.)

23 8. On October 22, 2018, the Court lifted the stay and directed the parties to submit a new
24 discovery plan and scheduling order within forty-five (45) days. (ECF No. 82.)

25 9. Pursuant to the parties' stipulation, on November 19, 2018, the court entered an
26 amended discovery plan and scheduling order. (ECF No. 85.) The amended scheduling extended the
27 deadline to amend pleadings and add parties from July 1, 2016 until December 17, 2018. (Id.)

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¹ (See ECF No. 86.)

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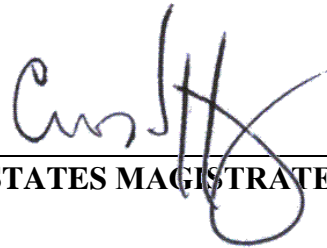
10. THE PARTIES STIPULATE AS FOLLOWS:

- a. The parties have completed NRED mediation in accordance with NRS § 38.310;
- b. The August 1, 2016 dismissal order grants U.S. Bank leave to refile its claims against Desert Shores upon exhaustion of the NRED mediation process;
- c. The November 19, 2018 amended scheduling order extended the parties' deadline to amend pleadings and add new parties from July 1, 2016 to December 17, 2018;
- d. MRT consents to U.S. Bank filing the first amended complaint, which reasserts U.S. Bank's NRS 116.1113 and wrongful foreclosure claims against Desert Shores and also asserts these claims against NAS, Desert Shores' trustee, for the first time. A copy of the proposed first amended complaint is attached hereto as **Exhibit A**.

Respectfully submitted, this the 7th day of December, 2018.

<p>AKERMAN LLP</p> <p><u>/s/ Scott R. Lachman</u> Ariel E. Stern, Esq. Nevada Bar No. 8276 Scott R. Lachman, Esq. Nevada Bar No. 12016 1635 Village Center Circle, Suite 200 Las Vegas, Nevada 89134 Attorneys for U.S. Bank National Association, as Trustee for the benefit of Harborview 2005-16</p>	<p>MORRIS LAW CENTER</p> <p><u>/s/ Timothy A. Wiseman</u> Sarah A. Morris, Esq. Nevada Bar No. 8461 Timothy A. Wiseman, Esq. Nevada Bar No. 13786 5450 W. Sahara Avenue, Suite 330 Las Vegas, Nevada 89146 Attorneys for MRT Assets, LLC</p>
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IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

DATED: December 10, 2018

EXHIBIT LIST

Exhibit A U.S. Bank National Association, as Trustee for the benefit of Harborview 2005-16's First Amended Complaint

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1635 VILLAGE CENTER CIRCLE, SUITE 200
Las Vegas, NV 89134
TEL.: (702) 634-5000 – FAX: (702) 380-8572

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