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 Nationstar Mortgage LLC and cross-  
 8 defendant Bank of America, N.A.

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 NATIONSTAR MORTGAGE LLC,

Case No.: 2:15-cv-01992-LDG-CWH

12 Plaintiff,

13 v.

14  
 15 GIAVANNA HOMEOWNERS  
 ASSOCIATION; and SFR INVESTMENTS  
 16 POOL 1, LLC; DOE INDIVIDUALS I-X; and  
 ROE CORPORATIONS I-X, inclusive,

**[PROPOSED] ORDER GRANTING IN  
 PART AND DENYING IN PART  
 NATIONSTAR MORTGAGE LLC'S  
 EMERGENCY MOTION FOR  
 PROTECTION FROM ITS 30(b)(6)  
 DEPOSITION AND MOTION FOR  
 SANCTIONS [ECF NO. 59]**

17 Defendants.

18  
 19 SFR INVESTMENTS POOL 1, LLC, a Nevada  
 limited liability company,

20 Counter/Cross Claimant,

21 v.

22 NATIONSTAR MORTGAGE LLC, a Delaware  
 limited liability company; BANK OF  
 23 AMERICA, N.A., a national association; JONI  
 MCGRIFF HOWARD, an individual; and  
 24 KENYON HOWARD, an individual,

Counter/Cross Defendants.

AKERMAN LLP

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1 This topic should be protected because it is redundant of SFR's deposition topic 1.

2 4. SFR's topic 4 requests testimony on:

3 The foreclosure proceedings related to the first deed of trust.

4 This topic should be protected because it is not proportional to the needs of the case.

5 5. SFR's topic 5 requests testimony on:

6 Your policies and procedures for processing and maintaining documents and  
7 communications related to the Association lien/foreclosure received via mail, email,  
8 from counsel, or any other means. This topic is limited to practices and procedures  
9 that were/are applicable to the Property from origination to present.

10 This topic should be protected because it is not proportional to the needs of this case.

11 6. SFR's topic 6 requests testimony on:

12 Your policies and procedures applicable to the Property for handling association liens  
13 from the time the Association recorded its notice of default to the date of the  
14 Association foreclosure sale.

15 This topic should be protected because it is not proportional to the needs of the case.

16 7. SFR's topic 7 requests testimony on:

17 Your knowledge and understanding of the transaction(s) through which any other  
18 entity besides You, currently claims or claimed at the time of the Association  
19 foreclosure sale, an interest in the First Deed of Trust/underlying promissory note.

20 This topic should be limited to testimony regarding the identity of the beneficiary of the First Deed  
21 of Trust at the time Giavanna Homeowners Association foreclosed, the identity of the current  
22 beneficiary of the First Deed of Trust, the identity of any other entities who may have an interest in  
23 the First Deed of Trust, and the nature of any interest held by any other entities who have an interest  
24 in the First Deed of Trust.

25 8. SFR's topic 8 requests testimony on:

26 Any action(s) You took to notify third parties, including SFR, of pre-sale dispute  
27 between You and the Association and/or NAS.

28 This topic should be protected because it is not proportional to the needs of this case.

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1           9.       Nationstar requested the Court enter an order confirming Nationstar's witness may  
2 testify in-person in Dallas, Texas or via video conference. The Court finds a video conference  
3 deposition is appropriate. SFR may travel to the witness's location if it desires to take a deposition  
4 in-person, but Nationstar's witness should not be required to travel to Las Vegas.

5           10.       The Court finds Nationstar had substantial justification for filing its motion. Neither  
6 party should be awarded attorneys' fees or costs in connection with Nationstar's motion.

7           NOW, THEREFORE, IT IS ORDERED as follows:

8           1.       Nationstar's emergency motion for protection from its 30(b)(6) deposition and motion  
9 for sanctions, ECF No. 59, is GRANTED IN PART and DENIED IN PART.

10          2.       SFR's topic 1 is limited to testimony regarding Nationstar and its predecessor's efforts  
11 to tender the super-priority portion of Giavanna Homeowner Association's lien.

12          3.       SFR's topic 2 is limited to testimony regarding Nationstar's interest in the First Deed  
13 of Trust.

14          4.       SFR's topics 3, 4, 5, 6, and 8 are protected and stricken from SFR's deposition notice.

15          5.       SFR's topic 7 is limited to testimony regarding the identity of the beneficiary of the  
16 First Deed of Trust at the time Giavanna Homeowners Association foreclosed, the identity of the  
17 current beneficiary of the First Deed of Trust, the identity of any other entities who may have an  
18 interest in the First Deed of Trust, and the nature of any interest held by any other entities who have  
19 an interest in the First Deed of Trust.

20          6.       Nationstar's witness need not travel to Las Vegas to attend a Rule 30(b)(6) deposition.  
21 SFR may either travel to the witness's location or conduct the deposition by video conference.

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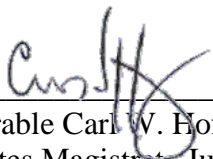
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1           7.       Neither Nationstar nor SFR are awarded attorneys' fees or costs.

2           SO ORDERED, this the 1st of March, 2017.



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The Honorable Carl W. Hoffman  
United States Magistrate Judge

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6       **SUBMITTED BY:**

7       /s/ Tenesa S. Scaturro, Esq.  
8       MELANIE D. MORGAN, ESQ.  
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17      Attorneys for plaintiff and counter-defendant  
18      Nationstar Mortgage LLC and cross-defendant  
19      Bank of America, N.A.

20       **APPROVED AS TO FORM:**

21      This the 28th day of February, 2017.

22      /s/ Diana Cline Ebron, Esq.  
23      DIANA CLINE EBRON, ESQ.  
24      Nevada Bar No. 10580  
25      JACQUELINE A. GILBERT, ESQ.  
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34      Attorneys for defendant, counterclaimant and  
35      cross-claimant SFR Investments Pool 1, LLC

**CERTIFICATE OF SERVICE**

I certify on the 28th day of February, 2017, pursuant to Federal Rule of Civil Procedure 5, I filed and served a true and correct copy of the foregoing **[PROPOSED] ORDER GRANTING IN PART AND DENYING IN PART NATIONSTAR MORTGAGE LLC'S EMERGENCY MOTION FOR PROTECTION FROM ITS 30(b)(6) DEPOSITION AND MOTION FOR SANCTIONS [ECF NO. 59]** via the Court's CM/ECF system on the following:

Edward D. Boyack, Esq.  
Colli McKiever, Esq.  
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/s/ Nick Mangels  
An employee of AKERMAN LLP