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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BANK OF AMERICA, N.A.,

Plaintiff(s),

vs.

TREASURES LANDSCAPE MAINTENANCE
ASSOCIATION, et al.,

Defendant(s).

Case No. 2:16-cv-00380-JCM-NJK

ORDER

14 Pending before the Court is the undersigned's report and recommendation that the case be
15 dismissed without prejudice. Docket No. 31. The undersigned is considering withdrawing or amending
16 that report and recommendation. *See, e.g., Frye v. San Quentin State Prison*, 2015 WL 7258946, *5
17 (E.D. Cal. Nov. 17, 2015) (magistrate judges are empowered to withdraw or amend reports and
18 recommendations to address new arguments or evidence offered in objections or responses thereto). As
19 such, the undersigned hereby **SUSPENDS** the pending report and recommendation, and **SETS** a hearing
20 for 11:00 a.m. on August 2, 2016, in Courtroom 3D. Attorneys must be present for each party. In
21 addition, Stacy Slade is **ORDERED** to appear in person. Mr. Slade shall be prepared to address his state
22 of citizenship. **The failure of Mr. Slade and/or his attorney (Thomas Miskey) to appear for the**
23 **hearing may subject them to significant sanctions and may result in the institution of contempt**
24 **proceedings against them.**

25 All counsel shall also be prepared to discuss the proper remedy for the current situation,
26 including (1) maintaining the recommendation that this case be dismissed for lack of subject matter
27 jurisdiction without prejudice to its refileing in state court, (2) maintaining that recommendation but also
28 imposing sanctions against Mr. Slade and his counsel jointly and severally in the full amount of

1 attorneys' fees and costs reasonably incurred by Plaintiff to date in this action,¹ (3) recommending entry
2 of default judgment against Defendants Red Lizard Productions, LLC and/or RLP Fern Cres, LLC, a
3 series of Red Lizard Productions LLC, and/or (4) imposing court fines of up to \$5,000 on Mr. Slade and
4 his counsel each for willfully failing to comply with multiple court orders.

5 IT IS SO ORDERED.

6 DATED: July 18, 2016

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10 NANCY J. KOPPE
11 United States Magistrate Judge
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27 ¹ Even when a federal court concludes that it lacks subject matter jurisdiction over an action, it
28 retains the authority to impose sanctions for the conduct in the case. *See, e.g., Westlake N. Prop. Owners
Ass'n v. City of Thousand Oaks*, 915 F.2d 1301, 1303 (9th Cir. 1990).