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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BANK OF AMERICA, N.A.,

v.

INSPIRADA COMMUNITY ASSOCIATION;
SATICOY BAY, LLC SERIES 2080
ARTISTIC FLAIR WALK; LEACH,
JOHNSON, SONG & GRUCHOW,

Defendants.

Case No. 2:16-cv-00438-MMD-VCF

ORDER

This Court previously granted Defendant Leach, Johnson, Song & Gruchow's ("LJSG")'s motion and dismissed LJSG. (ECF No. 56.) Before the Court is LJSG's motion for attorney's fees ("Motion"). (ECF No. 60.) The Court has reviewed Plaintiff Bank of America, N.A.'s ("BANA") response (ECF No. 63) and LJSG's reply (ECF No. 64). For the reasons discussed below, the Court grants LJSG's Motion to Dismiss and denies LJSG's Motion for Sanctions.

The relevant background is recited in the Court's dismissal order. (ECF No. 56.) As pertinent here, BANA asserts three claims against LJSG: (1) quiet title/declaratory judgment; (2) breach of NRS § 116.1113; and (3) wrongful foreclosure. (ECF No. 1 at 6-13.) In addressing dismissal of LJSG, the Court considered LJSG's arguments in the context of BANA's claims for breach of NRS § 116.1113 and wrongful foreclosure claims because of the absence of allegations LJSG has expressed an interest in the Property. (ECF No. 56 at 5.)

1 LJSJ seeks fees under NRS § 116.3116. (ECF No. 60.) BANA responds that this
2 provision of the statute only governs fees to the prevailing party in an action brought by
3 the HOA to foreclose on its lien. (ECF No. 63 at 2.) The Court agrees with BANA. Section
4 116.3116(12) provides that “A judgment or decree in any action brought under this section
5 must include costs and reasonable attorney’s fees for the prevailing party.” This provision
6 compels fees only in “any action brought under this section,” referring to NRS §
7 116.3116’s provisions allowing for the HOA to foreclose on its lien. BANA’s claims against
8 LJSJ here do not fall within the type of action contemplated in section 116.3116.

9 It is therefore ordered that LJSJ’s motion for attorney’s fees (ECF No. 60) is
10 denied.

11 DATED THIS 16th day of February 2018.

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14 MIRANDA M. DU
15 UNITED STATES DISTRICT JUDGE
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