

1 MELANIE D. MORGAN, ESQ.  
 Nevada Bar No. 8215  
 2 JARED M. SECHRIST, ESQ.  
 Nevada Bar No. 10439  
 3 AKERMAN LLP  
 1635 Village Center Circle, Suite 200  
 4 Las Vegas, Nevada 89134  
 Telephone: (702) 634-5000  
 5 Facsimile: (702) 380-8572  
 Email: melanie.morgan@akerman.com  
 6 jared.sechrist@akerman.com

7 Attorneys for Plaintiff Bank of America, N.A.

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10  
 11 BANK OF AMERICA, N.A., successor by  
 merger to BAC HOME LOANS SERVICING, LP  
 12 FKA COUNTRYWIDE HOME LOANS  
 SERVICING, LP

13 Plaintiff,

14 vs.

15  
 16 TRAVATA AND MONTAGE AT SUMMERLIN  
 CENTRE HOMEOWNERS' ASSOCIATION;  
 17 NEVADA ASSOCIATION SERVICES, INC.;  
 and SFR INVESTMENTS POOL 1, LLC,

18 Defendants.

Case No.: 2:16-cv-00699-GMN-PAL

**JOINT RESPONSE TO ORDER TO SHOW  
 CAUSE WHY THE COURT SHOULD NOT  
 IMPOSE MONETARY SANCTIONS  
 AGAINST COUNSEL FOR FAILURE TO  
 COMPLY WITH THE COURT'S MINUTE  
 ORDER [ECF NO. 98]**

AKERMAN LLP

1635 VILLAGE CENTER CIRCLE, SUITE 200  
 LAS VEGAS, NEVADA 89134  
 TEL.: (702) 634-5000 – FAX: (702) 380-8572

19  
 20 Bank of America, N.A. (**BANA**), Nevada Association Services, Inc. (**NAS**), and Travata and  
 21 Montage at Summerlin Centre Homeowners' Association (**HOA**) hereby respond jointly to the court's  
 22 order to show cause [ECF No. 101] why the court should not impose monetary sanctions against  
 23 counsel for failure to comply with the court's minute order [ECF No. 98] as follows:

**RESPONSE**

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2           1.       On September 19, 2018, this Court held a settlement conference with the parties to this  
3 litigation at which BANA, the HOA and NAS were able to reach a settlement to resolve the claims  
4 BANA asserts against the HOA and NAS. [See ECF No. 98].

5  
6           2.       Following the settlement conference, this Court issued a Minute Order on September  
7 19, 2018 ordering the settling parties' counsel to appear for a telephonic status check on November 19,  
8 2018. Id. The Court further stated the telephonic status check would be automatically vacated upon  
9 the filing of a stipulation to dismiss the claims among the settling parties.

10           3.       The settling parties' counsel failed to comply with the Minute Order and this Court  
11 issued an Order to Show Cause why monetary sanctions should not be issued for noncompliance on  
12 November 21, 2018. [ECF No. 101]

13  
14           4.       Prior to the settlement conference, counsel for the HOA and BANA reached an  
15 agreement to settle the claims between their clients—an HOA and a bank—in a state court action  
16 involving similar facts and claims to the present litigation. The parties intended to use the settlement  
17 agreement in that case as a template for the settlement reached in this action, thereby avoiding the  
18 need to renegotiate settlement impediments.

19           5.       Though close, the parties had not yet finalized the terms of the state court settlement  
20 agreement by the time of the status check in this case, preventing the finalization of settlement in the  
21 present action and precluding the dismissal of the claims among the settling parties.

22  
23           6.       Following the telephonic status check on November 19, 2018, the settling parties have  
24 sought to resolve the instant litigation regardless of the status of the settlement agreement in the state  
25 court action.

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27           7.       BANA's counsel has circulated a settlement agreement purporting to resolve the settled  
28 claims. NAS's counsel and the HOA's counsel have responded with comments, which have been

1 incorporated into a near-final version. The parties do not anticipate any further substantial revisions or  
2 delays.

3 8. The parties are in the process of finalizing the agreement for execution by their clients.  
4 The settling parties anticipate the execution of the settlement documents, including the stipulation to  
5 dismiss all claims among the settling parties within fourteen (14) days (December 19, 2018).

6 9. In light of the parties' efforts to effectuate the dismissal of the settled claims as soon as  
7 practicable following the Court's issuance of the Order to Show Cause, the settling parties respectfully  
8 request this Court suspend the issuance of monetary sanctions against the settling parties for fourteen  
9 (14) days and that the Court will be satisfied that sanctions are not warranted if the settling parties  
10 submit a stipulation to dismiss all claims among the settling parties on or before December 19, 2018.

11  
12 DATED December 5, 2018.

13  
14 This the 5th day of December, 2018.

This the 5th day of December, 2018.

15 **AKERMAN LLP**

**NEVADA ASSOCIATION SERVICES, INC.**

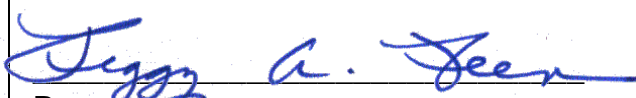
16 /s/ Jared M. Sechrist, Esq.  
17 \_\_\_\_\_  
18 MELANIE D. MORGAN, ESQ.  
19 Nevada Bar No. 8215  
20 JARED M. SECHRIST, ESQ.  
21 Nevada Bar No. 10439  
22 1635 Village Center Circle, Suite 200  
23 Las Vegas, Nevada 89134

/s/ Brandon E. Wood, Esq.  
\_\_\_\_\_  
BRANDON WOOD, ESQ.  
Nevada Bar No. 12900  
6224 W. Desert Inn Road  
Las Vegas, Nevada 89146

Attorney for defendant Nevada Association Services, Inc.

24 Attorneys for plaintiff and counter-defendant  
25 Bank of America, N.A.

26  
27 **IT IS SO ORDERED** this 17th day  
28 of December, 2018.

  
\_\_\_\_\_  
Peggy A. Leen  
United States Magistrate Judge

1 This the 5th day of December, 2018.

2 **LIPSON, NEILSON, COLE, SELTZER &**  
3 **GARIN, P.C.**

4 /s/ Julie Funai, Esq.

5 J. WILLIAM EBERT, ESQ.

6 Nevada Bar No. 2671

7 JULIE FUNAI, ESQ.

8 Nevada Bar. No. 8725

9 9900 Covington Cross Drive, Suite 120

10 Las Vegas, Nevada 89144

11 Attorneys for defendant Travata and Montage at  
12 Summerlin Centre Homeowners Association

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**CERTIFICATE OF SERVICE**

I certify on December 5, 2018, I filed and served a true and correct copy of the foregoing **JOINT RESPONSE TO ORDER TO SHOW CAUSE WHY THE COURT SHOULD NOT IMPOSE MONETARY SANCTIONS AGAINST COUNSEL FOR FAILURE TO COMPLY WITH THE COURT'S MINUTE ORDER [ECF NO. 98]** via the court's CM/ECF system on the following:

J. William Ebert, Esq.  
Joseph P. Garin, Esq.  
Julie Funai, Esq.  
LIPSON NEILSON COLE SELTZER & GARIN,  
PC  
9900 Covington Cross Drive, Suite 120  
Las Vegas, Nevada 89144

Brandon Wood, Esq.  
NEVADA ASSOCIATION SERVICES, INC.  
6224 West Desert Inn Road  
Las Vegas, NV 89146

Attorney for Nevada Association Services, Inc

Attorneys for Travata and Montage at  
Summerlin Centre Homeowners' Association

Diana S. Ebron, Esq.  
Jacqueline A. Gilbert, Esq.  
KIM GILBERT EBRON  
7625 Dean Martin Drive, Suite 110  
Las Vegas, Nevada 89139

Attorneys for SFR Investments Pool 1, LLC

/s/ Tracey Wayne  
An employee of AKERMAN LLP