

1  
2  
3  
4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

6 \* \* \*

7 Goldsmith v. U.S. Bank	2:15-cv-00991-MMD-PAL
8 Bank of America v. Woodcrest HOA	2:15-cv-01193-MMD-GWF
9 Wells Fargo v. Tides I HOA	2:15-cv-01204-MMD-PAL
10 Nationstar v. Aurora Canyon HOA	2:15-cv-01308-MMD-NJK
11 Nationstar v. Shara Sunrise HOA	2:15-cv-01597-MMD-NJK
12 Nationstar v. Augusta Belford and Ellingwood HOA	2:15-cv-01705-MMD-PAL
13 1290 Village Walk Trust v. Bank of America	2:15-cv-01903-MMD-PAL
14 Bank of New York Mellon v. Log Cabin Manor HOA	2:15-cv-02026-MMD-CWH
15 US Bank v. Ski Way Trust	2:16-cv-00066-MMD-GWF
16 Bank of New York Mellon v. Imagination North	2:16-cv-00383-MMD-NJK
17 Bank of America v. Green Valley South	2:16-cv-00424-MMD-PAL
18 Bank of America v. Inspirada Community Assoc.	2:16-cv-00438-MMD-VCF
19 Bank of America v. Sunrise Ridge	2:16-cv-00467-MMD-CWH
20 Deutsche Bank v. Independence II HOA	2:16-cv-00536-MMD-VCF
21 Bank of America v. Inspirada Community Assoc.	2:16-cv-00605-MMD-VCF
22 Bank of America v. Peccole Ranch Community Assoc.	2:16-cv-00660-MMD-CWH
23 Nationstar v. SFR Investments Pool	2:16-cv-00703-MMD-GWF
24 Bank of Amierca v. Treo North and South HOA	2:16-cv-00845-MMD-NJK
25 Wells Fargo v. SFR Investments Pool	3:15-cv-00240-MMD-VPC
26 US Bank v. Thunder Properties	3:15-cv-00328-MMD-WGC
27 PNC Bank v. Wingfield Springs Community Assoc.	3:15-cv-00349-MMD-VPC
28 Nationstar v. Highland Ranch HOA	3:15-cv-00375-MMD-VPC
US Bank v. White Lake Ranch Assoc.	3:15-cv-00477-MMD-VPC
GMAT Legal Title Trust v. SFR Investments Pool	3:15-cv-00518-MMD-WGC
Bank of New York Mellon v. Thunder Properties	3:16-cv-00097-MMD-WGC
Bank of America v. North Truckee Townhomes HOA	3:16-cv-00135-MMD-VPC
Bank of America v. Grand Sierra Resort Unit Owners	3:16-cv-00146-MMD-WGC
Bank of America v. Tenaya Creek HOA	3:16-cv-00158-MMD-WGC
Bank of America v. Southwest Meadows HOA	3:16-cv-00183-MMD-VPC
Bank of America v. The Siena HOA	3:16-cv-00188-MMD-VPC
Ditech Financial v. Highland Ranch HOA	3:16-cv-00194-MMD-WGC
Bank of America v. Aspen Meadows	3:16-cv-00413-MMD-WGC
US Bank v. Fairway Pines Assoc.	3:16-cv-00446-MMD-VPC

24 ORDER

25 Staying Case Pending Issuance of Mandate in  
26 *Bourne Valley Court Trust v. Wells Fargo Bank*  
and Denying Pending Motions without Prejudice

27 The above referenced cases arise out of a homeowner's association ("HOA")  
28 foreclosure and involve a constitutional due process challenge to Nevada Revised

1 Statute Chapter 116's notice provisions. On August 12, 2016, the Ninth Circuit Court of  
2 Appeals, in a 2-1 panel decision, found that Chapter 116's notice provisions as applied  
3 to nonjudicial foreclosure of an HOA lien before the 2015 amendment to be facially  
4 unconstitutional. *Bourne Valley Court Trust v. Wells Fargo Bank, NA*, No. 15-15233,  
5 2016 WL 4254983 (9th Cir. Aug. 12, 2016). The *Bourne Valley* decision obviously has  
6 profound impact on each case. Accordingly, the Court finds that it is appropriate to *sua*  
7 *sponte* impose a temporary stay until the mandate is issued in *Bourne Valley*.

8 A district court has discretionary power to stay proceedings in its own court.  
9 *Landis v. N. Am. Co.*, 299 U.S. 248, 254-55 (1936); *see also Lockyer v. Mirant Corp.*,  
10 398 F.3d 1098, 1109 (9th Cir. 2005). "A trial court may, with propriety, find it is efficient  
11 for its own docket and the fairest course for the parties to enter a stay of an action  
12 before it, pending resolution of independent proceedings which bear upon the case."  
13 *Leyva v. Certified Grocers of Cal., Ltd.*, 593 F.2d 857, 863 (9th Cir. 1979). "When  
14 considering a motion to stay, the district court should consider three factors: (1)  
15 potential prejudice to the non-moving party; (2) hardship and inequity to the moving  
16 party if the action is not stayed; and (3) the judicial resources that would be saved by  
17 avoiding duplicative litigation if the cases are in fact consolidated." *Pate v. Depuy*  
18 *Orthopaedics, Inc.*, No. 2:12-cv-01168-MMD-CWH, 2012 WL 3532780, at \*2 (D. Nev.  
19 Aug. 14, 2012) (quoting *Rivers v. Walt Disney Co.*, 980 F. Supp. 1358, 1360 (C.D. Cal.  
20 1997)) (internal quotation marks omitted). *See also Dependable Highway Exp., Inc. v.*  
21 *Navigators Ins. Co.*, 498 F.3d 1059, 1067 (9th Cir. 2007).

22 These three factors weigh in favor of a brief temporary stay. A temporary stay  
23 would promote judicial economy, particularly given *Bourne Valley's* ruling's effect on the  
24 due process issue raised in each case. Any potential hardship or prejudice would be  
25 minimal in light of the brief duration of the stay until a mandate is issued in *Bourne*  
26 *Valley*. In fact, a stay would benefit the parties as they assess *Bourne Valley's* import  
27 without having to file any unnecessary supplemental briefing.

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

It is therefore ordered that the above referenced actions are temporarily stayed. Upon the Ninth Circuit's issuance of the mandate in *Bourne Valley*, the parties in each case may move to lift the stay. Until that time, all proceedings are stayed.

It is further ordered that all pending motions are denied without prejudice to their refiling within thirty (30) days after the stay is lifted.

DATED THIS 19<sup>th</sup> day of August 2015.

  
MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE