

## UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

5 BANK OF AMERICA, N.A., )  
6 )  
7 Plaintiff, ) Case No. 2:16-cv-00725-JCM-NJK  
8 )  
9 vs. ) ORDER  
10 ) (Docket No. 42)  
11 DESERT PINE HOMEOWNERS ASSOCIATION, )  
12 et al., )  
13 Defendants. )  
14 \_\_\_\_\_

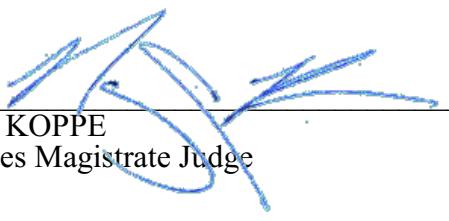
15 Pending before the Court is Defendants' joint motion to stay, filed on an emergency basis.  
16 Docket No. 42. Plaintiff filed a response, and Defendant SFR filed a reply. Docket Nos. 44, 45.  
17 Plaintiff and Defendant SFR also filed supplemental briefing in accordance with the Court's  
18 November 14, 2016 order. Docket Nos. 57, 58, 60. The Court finds this motion properly resolved  
19 without a hearing. *See* Local Rule 78-1.

20 Defendants' joint motion to stay was originally filed based on the pendency of the Ninth  
21 Circuit's mandate regarding a petition to rehear *en banc* *Bourne Valley Court Tr. v. Wells Fargo*  
22 *Bank, Nat'l Ass'n*, 832 F.3d 1154 (9th Cir. 2016). *See, e.g.*, Docket No. 42 at 3 ("[T]he Ninth  
23 Circuit's ultimate resolution of this issue may have a dispositive effect upon this litigation.") The  
24 Ninth Circuit has now denied the petition for rehearing *en banc* and has issued its mandate. Thus,  
25 *Bourne Valley* is now controlling law in this Circuit.

26 Accordingly, Defendants' joint motion to stay, Docket No. 42, is hereby **DENIED**.

27 IT IS SO ORDERED.

28 DATED: January 12, 2017

  
29 NANCY J. KOPPE  
30 United States Magistrate Judge