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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

BANK OF AMERICA, N.A., Plaintiff(s), v. VILLAGE OF AVELLINO HOMEOWNERS ASSOCIATION, et al., Defendant(s).	Case No. 2:16-CV-728 JCM (PAL) ORDER
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Presently before the court is a joint motion for summary judgment filed by defendants Village of Avellino Homeowners Association (the “HOA”) and Absolute Collection Services, LLC (“ACS”). (ECF No. 19).

Also before the court is plaintiff Bank of America, N.A.’s (“BANA”) motion for summary judgment. (ECF No. 20). The HOA filed a response. (ECF No. 21).

BANA filed a summons returned executed as to defendant DK Capital & Associates, LLC (“DK”) on May 17, 2016. DK’s answer was due by April 4, 2016. To date, DK has yet to file an answer.

In the instant motions, BANA, the HOA, and ACS all move for summary judgment in BANA’s favor and against DK. (ECF Nos. 19, 20).

As DK has failed to appear in the instant case, BANA’s proper recourse is through Federal Rule of Civil Procedure 55, not Rule 56.


Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the HOA’s and ACS’s joint motion for summary judgment (ECF No. 19) be, and the same hereby is, DENIED.

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IT IS FURTHER ORDERED that BANA's motion for summary judgment (ECF No. 20) be, and the same hereby is, DENIED.

DATED June 20, 2017.


UNITED STATES DISTRICT JUDGE