

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\* \* \*

BANK OF AMERICA, N.A., )  
Plaintiff, )  
v. )  
FALCON POINTE ASSOCIATION, et al., )  
Defendants. )  
Case No. 2:16-cv-00814-GMN-CWH  
**ORDER**

Presently before the court is plaintiff Bank of America, N.A.’s (“Bank of America”) Motion to Stay Discovery and Remaining Case Deadlines Pending Resolution of Motion for Partial Summary Judgment (ECF No. 66), filed on November 8, 2017. Defendant Red Rock Financial Services, LLC filed a joinder (ECF No. 67) to the motion on November 15, 2017. On November 22, 2017, Defendant SFR Investments Pool 1, LLC (“SFR”) filed a response (ECF No. 69) and counter motions (ECF Nos. 70, 71) to allow the case to proceed without restriction, or in the alternative, for a complete stay of litigation pending resolution of a certified question currently before the Nevada Supreme Court. Bank of America filed a reply (ECF No. 81) in support of its motion to stay discovery and responses (ECF Nos. 82, 83) to SFR’s counter motions on December 6, 2017. SFR filed replies (ECF Nos. 87, 88) in support of its counter motions on December 19, 2017.

This case arises from a dispute regarding a homeowners' association foreclosure sale. In 2016, the court stayed this case pending exhaustion of all appeals in *Bourne Valley Court Trust v. Wells Fargo Bank*, No. 15-15233 (9th Cir. Aug. 12, 2016). (Order (ECF No. 57).) After the United States Supreme Court denied the petition for a writ of certiorari, the court lifted the stay.

1 (Order (ECF No. 64).) Both Bank of America and SFR subsequently filed motions for partial  
2 summary judgment. While Bank of America seeks to stay discovery pending the outcome of its  
3 motion for partial summary judgment, SFR seeks to have the litigation proceed without restriction  
4 on discovery, or in the alternative, for a complete stay of the litigation pending the outcome of a  
5 question that was certified to the Nevada Supreme Court.

6 Having read and considered the parties' arguments, the court declines to stay discovery or to  
7 stay the case in its entirety. The court further finds that the case should proceed on the normal  
8 litigation track, as governed by the Federal Rules of Civil Procedure and the scheduling order (ECF  
9 No. 78) in this case.

10 IT IS THEREFORE ORDERED that plaintiff Bank of America, N.A.'s ("Bank of  
11 America") Motion to Stay Discovery and Remaining Case Deadlines Pending Resolution of Motion  
12 for Partial Summary Judgment (ECF No. 66) is DENIED.

13 IT IS FURTHER ORDERED that defendant SFR Investments Pool 1, LLC's counter  
14 motions (ECF Nos. 70, 71) to allow the case to proceed without restriction, or in the alternative, for  
15 a complete stay of litigation are GRANTED in part and DENIED in part. The counter motions are  
16 granted to the extent that the case will proceed unrestricted. The counter motions are denied in all  
17 other respects.

18  
19 DATED: January 10, 2018

20  
21  
22  
23   
C.W. Hoffman, Jr.  
United States Magistrate Judge