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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 LN Mgmt v. Gelgotas	2:15-cv-00112-MMD-CWH
8 Bank of New York Mellon v. Saticoy Bay	2:16-cv-00246-MMD-CWH
9 Bank of America v. Southern Highlands	2:16-cv- 00404-MMD-NJK
10 Bank of America v. Spanish Bay HOA	2:16-cv-00691-MMD-VCF
11 Bank of America v. Aliante Master Assoc.	2:16-cv-00962-MMD-CWH
12 Wells Fargo v. SFT Investments Pool	2:16-cv-01069-MMD-VCF
13 Nationstar v. Summit Hills HOA	2:16-cv-01637-MMD-GWF
14 US Bank v. SFR Investments Pool	2:16-cv-01719-MMD-CWH
15 Moberly v. Bank of America	3:15-cv-00122-MMD-WGC
16 Bank of America v. Rainbow Bend HOA	3:15-cv-00291-MMD-WGC
17 Green Tree Servicing v. Rainbow Bend HOA	3:15-cv-00297-MMD-WGC
18 Countrywide v. Willow Hills Commons HOA	3:15-cv-00333-MMD-VPC
19 Bank of America v. Huffaker Hills	3:15-cv-00502-MMD-WGC
20 Deutsche Bank v. Williamsburg Townehomes HOA	3:16-cv-00004-MMD-WGC
21 Bank of America v. Esplanade at Damonte Ranch HOA	3:16-cv-00120-MMD-WGC
22 Bank of America v. Highland Ranch HOA	3:16-cv-00154-MMD-VPC
23 Bank of America v. Yorkshire Manor I HOA	3:16-cv-00192-MMD-VPC
24 Ditech Financial v. TBR I	3:16-cv-00227-MMD-WGC
25 US Bank v. Casoleil HOA	3:16-cv-00307-MMD-WGC
26 Ditech Financial v. Dorado HOA	3:16-cv-00351-MMD-VPC

17 ORDER

18 Staying Case Pending Issuance of Mandate in  
19 *Bourne Valley Court Trust v. Wells Fargo Bank*

20 The above referenced cases arise out of a homeowner's association ("HOA")  
21 foreclosure and involve a constitutional due process challenge to Nevada Revised  
22 Statute Chapter 116's notice provisions. On August 12, 2016, the Ninth Circuit Court of  
23 Appeals, in a 2-1 panel decision, found that Chapter 116's notice provisions as applied  
24 to nonjudicial foreclosure of an HOA lien before the 2015 amendment to be facially  
25 unconstitutional. *Bourne Valley Court Trust v. Wells Fargo Bank, NA*, No. 15-15233,  
26 2016 WL 4254983(9th Cir. Aug. 12, 2016). The *Bourne Valley* decision obviously has  
27 profound impact on each case. Accordingly, the Court finds that it is appropriate to *sua*  
28 *sponte* impose a temporary stay until the mandate is issued in *Bourne Valley*.

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

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

21 It is therefore ordered that the above referenced actions are temporarily stayed.  
22 Upon the Ninth Circuit’s issuance of the mandate in *Bourne Valley*, the parties in each  
23 case may move to lift the stay. Until that time, all proceedings, except for service of  
24 process, are stayed.

25 DATED THIS 23<sup>rd</sup> day of August 2016.



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MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE