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 8

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 THE BANK OF NEW YORK MELLON FKA  
 THE BANK OF NEW YORK, AS TRUSTEE  
 FOR THE CERTIFICATEHOLDERS OF  
 12 THE CWALT, INC., ALTERNATIVE LOAN  
 TRUST 2007-HY7C MORTGAGE PASS-  
 13 THROUGH CERTIFICATES SERIES 2007-  
 HY7C,

Case No. 2:16-cv-01239-RFB-DJA

14 **NOTICE OF SETTLEMENT AND**  
 15 **STIPULATION AND ORDER TO**  
 16 **EXTEND STAY OF LITIGATION**

17 Plaintiff,

18 vs.

19 MESA HOMEOWNERS ASSOCIATION;  
 SFR INVESTMENTS POOL 1, LLC;  
 20 NEVADA ASSOCIATION SERVICES, INC.;  
 ALESSI & KOENIG, LLC,  
 21

22 Defendants.

23 SFR INVESTMENTS POOL 1, LLC, a  
 Nevada limited liability company,  
 24

25 Counter-/Cross- Claimant,

26 vs.

27 THE BANK OF NEW YORK MELLON FKA  
 THE BANK OF NEW YORK, AS TRUSTEE  
 FOR THE CERTIFICATEHOLDERS OF  
 28 THE CWALT, INC., ALTERNATIVE LOAN  
 TRUST 2007-HY7C MORTGAGE PASS-  
 THROUGH CERTIFICATES SERIES 2007-  
 HY7C; CHARLES A. MANN, an individual,

Counter-/Cross- Defendants.

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1 PLEASE TAKE NOTICE that The Bank of New York Mellon FKA The Bank of New  
2 York, as Trustee for the Certificateholders of the CWALT, Inc., Alternative Loan Trust 2007-  
3 HY7C Mortgage Pass-Through Certificates Series 2007-HY7C (“BNYM”) and SFR Investments  
4 Pool 1, LLC (“SFR”) have reached a global settlement in principal on multiple properties,  
5 including the Property at issue in this case. The settlement will resolve all claims between BNYM  
6 and SFR.

7 Based on the confidential settlement agreement, BNYM and SFR have agreed to stay the  
8 litigation for ninety (90) days to allow the Parties to perform a condition precedent to the  
9 settlement. This will also provide an opportunity for BNYM to discuss the potential for settlement  
10 as to its claims against Mesa Homeowners Association (the “Association”).

11 Accordingly, BNYM, SFR and the Association (collectively the “Parties”) are submitting  
12 the instant Stipulation and Order seeking to extend to already existing stay of litigation in this  
13 matter.

14 Pursuant to a Minute Order in Chambers issued on October 17, 2019, this case was  
15 administratively stayed pending the result of the Nevada Supreme Court’s order of en banc  
16 reconsideration in the case Bank of America, N.A. v. Thomas Jessup, LLC Series VII. [ECF No.  
17 63.] The Minute Order set a deadline of 30 days after the stay was lifted for refile of dispositive  
18 motions. [ECF No. 63.] The Nevada Supreme Court issued its Order of en banc reconsideration  
19 on May 7, 2020. Bank of America, N.A. v. Thomas Jessup, LLC Series VII, 462 P.3d 255 (Nev.  
20 2020) (unpublished disposition), thereby resolving that issue. While the issuance of the Order did  
21 not automatically lift the stay in this case, in an abundance of caution, the Parties hereby stipulate  
22 to vacate the dispositive motion deadline set by the Court’s October 7, 2019, Order, and stipulate  
23 to extend the stay of litigation for ninety (90) days to allow for the parties to finalize settlement.  
24 The Parties agree that the pending Motion for Judgment by Default against Charles A. Mann (ECF  
25 No. 67] should be excluded from the extension of stay so as to allow this Court to issue a ruling  
26 on said Motion.

27 The Parties further request the court set a deadline for filing a status report regarding the  
28 settlement for ninety (90) from entry of this Stipulation and Order. This request to stay is being

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1 made in the interest of preserving judicial resources and, as set forth above, on the basis of a  
2 material term of the Settlement Agreement.

<p>3 DATED this 8th day of June, 2020.</p> <p>4 <b>KIM GILBERT EBRON</b></p> <p>5 /s/ Jacqueline A. Gilbert</p> <p>6 JACQUELINE A. GILBERT, ESQ. 7 Nevada Bar No. 10593 8 7625 Dean Martin Drive, Suite 110 9 Las Vegas, Nevada 89139 10 E-mail: jackie@kgelegal.com</p> <p>11 Attorneys for SFR Investments Pool 1, LLC</p>	<p>DATED this 8th day of June, 2020.</p> <p><b>AKERMAN LLP</b></p> <p>/s/ Holly E. Walker</p> <p>DARREN T. BRENNER, ESQ. Nevada Bar No. 8386 HOLLY E. WALKER, ESQ. Nevada Bar No. 14295 1635 Village Center Circle, Suite 200 Las Vegas, NV 89134 E-mail: darren.brenner@akerman.com E-mail: holly.walker@akerman.com Attorneys for The Bank of New York Mellon FKA The Bank of New York, as Trustee for the Certificateholders of the CWALT, Inc., Alternative Loan Trust 2007-HY7C Mortgage Pass-Through Certificates Series 2007- HY7C.</p>
	<p>DATED this 8th day of June, 2020.</p> <p><b>LEACH KERN GRUCHOW ANDERSON SONG</b></p> <p>/s/ J. Tyler King</p> <p>SEAN L. ANDERSON, ESQ. Nevada Bar No. 7259 J. TYLER KING, ESQ Nevada Bar No. 14895 2525 Box Canyon Drive Las Vegas, Nevada 89128 Phone: 702-538-9074 E-mail: sanderson@lkglawfirm.com E-mail: tking@lkglawfirm.com</p> <p>Attorneys for Mesa Homeowners Association</p>

**ORDER**

IT IS SO ORDERED.

  
RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE

DATED this 9th day of June, 2020.