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8  
 9 **UNITED STATES DISTRICT COURT**  
 10 **DISTRICT OF NEVADA**

11 PHH Mortgage Corporation

12 Plaintiff,

13 vs.

14 SFR Investments Pool 1, LLC, a Nevada  
 limited liability company; Centennial  
 Park Homeowners Association, a Nevada  
 non-profit corporation; Andrew E. Cato, an  
 15 individual

16 Defendants.

CASE NO. 2:16-cv-01648-GMN-CWH

**STIPULATION AND ORDER TO  
 STAY DISCOVERY**

**(First Request)**

17 SFR Investments Pool 1, LLC, a Nevada  
 limited liability company,

18 Counter/Crossclaimant,

19 vs.

20 PHH Mortgage Corporation; and Andrew  
 E. Cato, an individual

21 Counter/Crossdefendants.

23 Pursuant to Local Rules LR IA 6-2 and LR 7-1, Plaintiff/Counter-Defendant  
 24 PHH Mortgage Corporation (“PHH”), Defendant/Counterclaimant SFR Investments  
 25 Pool 1, LLC (“SFR”), and Defendant Centennial Park Homeowners Association  
 26 (together with SFR and PHH, the “Parties”), through their respective attorneys,  
 27 stipulate as follows:  
 28

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1           1.       The Ninth Circuit Court of Appeals has determined that the statute at  
2 issue in this case violates due process. *See Bourne Valley Court Trust v. Wells Fargo*  
3 *Bank, N.A.*, 832 F.3d 1154 (9th Cir. 2016) (hereinafter “*Bourne Valley*”).

4           2.       Based on *Bourne Valley*, PHH filed a Motion for Judgment on the  
5 Pleadings or Alternatively For Summary Judgment (“Motion for Judgment on the  
6 Pleadings”) (ECF No. 29) on November 22, 2016 as well as a Motion to Stay  
7 Discovery pending the outcome of the Motion for Judgment on the Pleadings (ECF  
8 No. 30) on December 5, 2016.

9           3.       The Parties stipulated to modify the briefing schedule for the Motion for  
10 Judgment on the Pleadings to provide SFR until December 20, 2016 to file a response  
11 and PHH until January 13, 2017 to file a reply.

12           4.       On November 18, 2016, SFR filed a Motion to Certify a Question of Law  
13 to Nevada’s Supreme Court (“Motion to Certify”) (ECF No. 28), which also involves  
14 the meaning of the statute at issue in this case.

15           5.       Discovery currently is set to close on May 22, 2017.

16           6.       To avoid wasting resources and incurring potentially unnecessary  
17 expense associated with discovery, the Parties stipulate and agree to stay all  
18 discovery deadlines pending a resolution on the Motion for Judgment on the  
19 Pleadings and the Motion to Certify. As a matter of clarification, this Stipulation is  
20 limited to a stay of *discovery only*, and the Parties therefore respectfully request that  
21 the Court proceed to decide the Motion for Judgment on the Pleadings and the  
22 Motion to Certify in the normal course.

23           7.       Given that the Parties submit this Stipulation in the midst of discovery,  
24 the Parties also stipulate and agree that they will move for an enlargement of time to  
25 conduct discovery if and when the stay is lifted.

26           8.       The Parties further stipulate and agree that no Party claiming an  
27 interest in 8909 Topaz Springs Court, Las Vegas, Nevada 89149 (the “Property”),  
28

1 shall transfer or attempt to transfer such claimed interest in the Property during the  
2 pendency of this stay.

3 9. The stay may be lifted by stipulation of the Parties or by motion.

4 10. The Parties make this stipulation in good faith and not for purposes of  
5 delay.

6 Dated: December 21, 2016

Dated: December 21, 2016

7 BALLARD SPAHR LLP

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*Attorneys for Centennial Park Homeowners Association*

15 Dated: December 21, 2016

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IT IS SO ORDERED:

UNITED STATES MAGISTRATE JUDGE

DATED: \_ 12-22-16 \_