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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PHH Mortgage Corporation

Plaintiff,

vs.

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

Defendants.

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

**STIPULATION AND ORDER TO
STAY DISCOVERY**

(First Request)

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

Counter/Crossclaimant,

VS

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

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:

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”),

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

7 BALLARD SPAHR LLP

Dated: December 21, 2016

HALL JAFFE & CLAYTON, LLP

8
9 By: /s/ Holly Ann Priest

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Dated: December 21, 2016

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By: /s/ Diana Cline Ebron

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IT IS SO ORDERED:

UNITED STATES MAGISTRATE JUDGE

DATED: 12-22-16