

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

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5 HSBC BANK USA, et al.,

6 Plaintiffs,

7 vs.

8 SCOTTSDALE PLACE HOMEOWNERS
9 ASSOCIATION, et al.,

10 Defendants.

2:16-cv-02503-KJD-VCF

ORDER

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13 Before the Court is the motion to stay (ECF No. 22). No opposition has been filed. The time to
14 file an opposition has passed. Under LR 7-2, the failure of an opposing party to file points and authorities
15 in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney's fees,
16 constitutes a consent to the granting of the motion. Here, it would seem that Plaintiffs have consented to
17 the granting of the instant motion.

18 A stay in this matter is appropriate pending The United States Supreme Court's consideration of
19 petitions for certiorari in Bourne Valley, a decision which may have a significant effect on this case. See
20 Bourne Valley Court Trust v. Wells Fargo Bank, NA, No. 15-15233, 2016 WL 4254983 (9th Cir. Aug. 12,
21 2016).

22 A district court has the inherent power to stay cases to control its docket and promote the efficient
23 use of judicial resources. Landis v. N. Am. Co., 299 U.S. 248, 254–55 (1936); Dependable Highway Exp.,
24 Inc. v. Navigators Ins. Co., 498 F.3d 1059, 1066 (9th Cir. 2007). When determining whether to stay a case
25 pending the resolution of another case, a district court must consider (1) the possible damage that may

1 result from a stay, (2) any “hardship or inequity” that a party may suffer if required to go forward, (3)
2 “and the orderly course of justice measured in terms of the simplifying or complicating of issues, proof,
3 and questions of law” that a stay will engender. Lockyer v. Mirant Corp., 398 F.3d 1098, 1110 (9th Cir.
4 2005).

5 In this case, the possible damage from a stay will be mitigated by not having to relitigate issues
6 based on possible new ruling.

7 Accordingly, IT IS HEREBY ORDERED that the motion to stay (ECF No. 22) is GRANTED.

8 DATED this 10th day of May, 2017.

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11 CAM FERENBACH
12 UNITED STATES MAGISTRATE JUDGE
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