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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

SALMA AGHA-KHAN,

Plaintiff,

v.

BANK OF NEW YORK MELLON, et al.,

Defendants.

Case No. 2:16-cv-02651-RFB-PAL

ORDER

(Mot Stay – ECF No. 60)

(Mot Stay – ECF No. 67)

Before the court is First American Title Insurance Company, First American Title Company, erroneously sued and sued as First American Title, First American National Default Title Services, First American Title Loss Mitigation Title Services – Lmts, and First American Trustee Servicing Solutions’, erroneously sued and served as Trustee Servicing Solutions’ Motion to Stay Litigation Pending Resolution of Their Motion to Dismiss [Doc. 19] (ECF No. 60)., and Defendant Southern Highlands Community Association’s Motion to Stay Litigation Pending of its Motion to Dismiss [ECF No. 6] (ECF No. 67). Joinders (ECF Nos. 66, 72) were filed on April 14, 2017, and May 4, 2017. No oppositions to the motions to stay have been filed, and the time for filing oppositions has expired.

In a related case filed by Plaintiff, *Agha-Khan v. Wells Fargo Bank et al*, 2:16-cv-2928, the court held a hearing on April 3, 2017. See Minutes (ECF No 75). The court granted a joint motion to stay discovery, temporarily staying discovery, but requiring the parties to conduct a Rule 26(f) conference, and directing that the stay would remain in effect until all parties had made an appearance and the district judge decides pending motion to dismiss, whichever occurs first.

Both cases involve a 2012 HOA foreclosure sale of the same real property. The moving defendants in this case argue that a decision of the motions to dismiss will promote justice and

1 prevent prejudice to any party, and will curb unnecessary fees and costs while the motions to
2 dismiss are pending.


3 LR 7-2(d) states, in pertinent part, that the “failure of an opposing party to file points and
4 authorities in response to any motion . . . constitutes a consent to the granting of the motion.” The
5 court has taken a “preliminary peek” at the pending motions to dismiss and plaintiff’s responses
6 and finds that the interests of Fed. R. Civ. P 1 will best be served by a stay until the pending
7 motions to dismiss are decided.

8 Having reviewed and considered the motions,

9 **IT IS ORDERED:**

- 10 1. The Motions to Stay Litigation Pending Resolution of the Motion to Dismiss (ECF
11 Nos. 60, 67) are **Granted**.
- 12 2. The parties shall have 14 days from decision of the last decided motion to dismiss to
13 meet and confer and conduct a Rule 26(f) conference and submit a proposed discovery
14 plan and scheduling order as to any claim(s) that survive.

15 DATED this 17th day of May, 2017.

16 
17 PEGGY A. LEEN
18 UNITED STATES MAGISTRATE JUDGE