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9 *Attorneys for Plaintiff/Counter-*  
 10 *Defendant JPMorgan Chase Bank, N.A.*

11 UNITED STATES DISTRICT COURT  
 12 DISTRICT OF NEVADA

13 JPMORGAN CHASE BANK, N.A.,  
 Plaintiff,  
 14 vs.  
 15 SFR INVESTMENTS POOL 1, LLC, a  
 16 Nevada limited liability company;  
 17 DIAMOND CREEK COMMUNITY  
 ASSOCIATION, a Nevada non-profit  
 18 corporation; DIAMOND CREEK  
 HOMEOWNERS' ASSOCIATION, a  
 19 Nevada non-profit corporation; ZENA F.  
 N. CHEE, an individual,  
 20 Defendants.

CASE NO. 17-CV-00328-JCM-PAL  
  
 STIPULATION AND ORDER OF  
 DISMISSAL

21 SFR INVESTMENTS POOL 1, LLC, a  
 22 Nevada limited liability company,  
 23 Counterclaimant/Cross-Claimant,  
 24 vs.  
 25 JPMORGAN CHASE BANK, N.A. and  
 ZENA F. N. CHEE, an individual,  
 26 Counter-Defendant/Cross-Defendant.  
 27

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1 Pursuant to Fed. R. Civ. P. 41(a), Plaintiff/Counter-Defendant JPMorgan  
2 Chase Bank, N.A. (“Chase”) and Defendant Diamond Creek Community Association  
3 (“Diamond Creek CA”), through their counsel of record, stipulate as follows:

4 1. On February 2, 2017, Chase filed a complaint naming Diamond Creek  
5 CA as a necessary party.

6 2. On July 3, 2017, Chase filed an amended complaint adding Diamond  
7 Creek Homeowners’ Association (“Diamond Creek HOA”) as a necessary party.

8 3. Diamond Creek CA takes the position that it did not conduct the  
9 association foreclosure sale giving rise to this lawsuit, notwithstanding the fact that  
10 it is the homeowners’ association identified in the relevant recorded documents.

11 4. Diamond Creek CA further takes the position that Diamond Creek  
12 HOA conducted the relevant association foreclosure sale.

13 5. At this time, Chase takes no position on which homeowners’  
14 association conducted the association foreclosure sale.

15 6. Chase agrees to dismiss Diamond Creek CA without prejudice.

16 7. The parties agree that Diamond Creek CA, although no longer a party  
17 to this lawsuit, shall be bound by and cooperate in the enforcement of any final  
18 judgment that this Court enters regarding the determination of which homeowners’  
19 association conducted the sale, quieting title, and declaratory relief as between the  
20 remaining parties and any other party regarding priority of the respective interests  
21 in title to the subject property.

22 8. Diamond Creek CA agrees that it will participate in third-party  
23 discovery in compliance with the Federal Rules of Civil Procedure should the need  
24 arise for any remaining party to conduct discovery on Diamond Creek CA.

25 ///  
26 ///  
27 ///  
28 ///

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1 9. Diamond Creek CA and Chase shall each bear its own fees and costs  
2 incurred in this matter.

3 Dated: July 12<sup>th</sup>, 2017

Dated: July 12<sup>th</sup>, 2017

4 BALLARD SPAHR LLP

BOYACK, ORME & ANTHONY

5  
6 By: 

By: 

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11 *Attorneys for JPMorgan Chase Bank,*  
12 *N.A.*

*Attorneys for Diamond Creek*  
*Community Association*


13 **ORDER**

14 Based on the above stipulation between Chase and Diamond Creek CA and  
15 good cause appearing therefore,

16 IT IS ORDERED that Diamond Creek CA only shall be dismissed from this  
17 litigation without prejudice.

18 IT IS FURTHER ORDERED that each party shall bear all of its own fees and  
19 costs.

20 IT IS FURTHER ORDERED that the Diamond Creek CA shall be bound by  
21 and cooperate in the enforcement of any final judgment that this Court enters  
22 regarding the homeowners' association that conducted the foreclosure sale, quieting  
23 title, and declaratory relief as between the remaining parties and any other party,  
24 regarding priority of the respective interests in title to the subject property.

25   
26 UNITED STATES DISTRICT JUDGE

27 DATED: July 17, 2017

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