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 7 **VEGAS PROPERTY SERVICES, INC.**

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

11 THE BANK OF NEW YORK MELLON
 FKA THE BANK OF NEW YORK AS
 12 TRUSTEE FOR THE
 CERTIFICATEHOLDERS OF THE
 13 CWABS, INC. ASSET-BACKED
 CERTIFICATES, SERIES 2005-11,

14 Plaintiff,

15 vs.

16 VEGAS PROPERTY SERVICES, INC.;
 SHADOW SPRINGS COMMUNITY
 17 ASSOCIATION; and DOES 1 THROUGH
 18 10, inclusive,

19 Defendants.

Case No. 2:17-cv-00776-MMD-NJK

**STIPULATION AND ORDER TO
 WITHDRAW AND REBRIEF MOTIONS
 FOR SUMMARY JUDGMENT**

20
 21 Pursuant to LR 6-1, Plaintiff THE BANK OF NEW YORK MELLON (“BONY”),
 22 Defendant VEGAS PROPERTY SERVICES, INC., (“Vegas”) and Defendant SHADOW
 23 SPRINGS COMMUNITY ASSOCIATION (“HOA”) by and through their respective counsel of
 24 record, hereby agree and stipulate as follows:

25 This Court previously imposed a stay of litigation pending resolution of the Certified
 26 Question to the Nevada Supreme Court. [ECF No. 78]. The Court denied all pending Motions
 27 [ECF Nos. 44, 63] without prejudice to refile the same within 30 days from the stay being lifted.

28 On August 2, 2018, the Nevada Supreme Court answered the Certified Question, and the

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1 parties filed a joint status report regarding the same on August 7, 2018. [ECF No. 79]. After
2 reviewing the parties' joint status report, the Court lifted the stay on August 9, 2018. [ECF No. 82].

3 Thereafter, BONY filed a renewed Motion for Summary Judgment on August 20, 2018
4 [ECF No. 83]. Vegas filed a renewed Motion for Summary Judgment on September 10, 2018. [ECF
5 No. 84]. Vegas filed an opposition to BONY's renewed Motion for Summary Judgment on
6 September 10, 2018. [ECF No. 85].

7 On September 13, 2018 the Nevada Supreme Court issued its decision in *Bank of America,*
8 *N.A. Successor by Merger to BAC Home Loans Servicing, LP, F/K/A Countrywide Home Loans*
9 *Servicing, L.P. v. SFR Investments Pool 1, LLC*, Case No. 70501, 134 Nev. Adv. Op. 72 (Nev. Sep.
10 13, 2018) (Referred to hereinafter as the "*Diamond Spur*" decision).

11 Upon review of the *Diamond Spur* decision, the parties agree that many of the issues raised
12 in the parties renewed Motions for Summary Judgment are directly affected by the Nevada
13 Supreme Court's recent decision. As such, the parties have agreed that it would be worthwhile to
14 allow the parties time and opportunity to withdraw their renewed motions, rebrief their arguments
15 in light of the new case law, and resubmit revised motions for the Court's consideration.

16 ACCORDINGLY, IT IS HEREBY AGREED AND STIPULATED that BONY's Renewed
17 Motion for Summary Judgment [ECF No. 83], Vegas' Renewed Motion for Summary Judgment
18 [ECF No. 84], and Vegas's Opposition to BONY's Renewed Motion for Summary Judgment [ECF
19 No. 85] are withdrawn.

20 IT IS FURTHER AGREED AND STIPULATED that each party shall have thirty (30) days
21 from the date of this Order to rebrief and resubmit their respective Motions for Summary.

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1 DATED this 20th day of September, 2018.
2 THE WRIGHT LAW GROUP, P.C.

DATED this 20th day of September, 2018.
WOLFE & WYMAN LLP

3
4 /s/ John Henry Wright
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9 Dated this 20th day of September, 2018
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11 SENET & WITTBRODT, LLP

12
13 /s/ Richard E. Haskin
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17 *SHADOW SPRINGS COMMUNITY*
ASSOCIATION

18
19 **ORDER**

20 IT IS SO ORDERED.

21 
22 _____
UNITED STATES DISTRICT COURT JUDGE

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24 DATED: September 24, 2018