

Jeffrey Willis, Esq. (Nevada Bar No. 4797)
Nathan G. Kanute, Esq. (Nevada Bar No. 12413)
SNELL & WILMER L.L.P.
50 West Liberty Street, Suite 510
Reno, Nevada 89501-1961
Telephone: 775-785-5440
Facsimile: 775-785-5441
Email: jwillis@swlaw.com
nkanute@swlaw.com
Attorneys for Plaintiff

HSBC BANK USA, NATIONAL
ASSOCIATION AS TRUSTEE FOR ACE
SECURITIES CORP. HOME EQUITY LOAN
TRUST, SERIES 2005-HE7, ASSET
BACKED PASS-THROUGH
CERTIFICATES;

Plaintiff,

VS.

VELEZ FAMILY TRUST; MARTIN CENTENO, an individual; RED ROCK FINANCIAL SERVICES, LLC, a Nevada limited-liability company; FIRST LIGHT AT OLD VEGAS RANCH HOMEOWNERS ASSOCIATION, a Nevada non-profit corporation;

Defendants.

Case No. 2:17-cv-00819-JAD-VCF

**STIPULATION AND ORDER FOR
DISMISSAL WITHOUT PREJUDICE
OF RED ROCK FINANCIAL
SERVICES, LLC**

ECF Nos. 23, 28, 32, 33

STIPULATION

This *Stipulation and Order for Dismissal without Prejudice of Red Rock Financial Services, LLC* (“Stipulation”) is entered into as of the date below by and between HSBC Bank USA, National Association as Trustee for Ace Securities Corp. Home Equity Loan Trust, Series 2005-HE7, Asset Backed Pass-Through Certificates (“HSBC or Plaintiff”), by and through counsel of record, and Defendant Red Rock Financial Services, LLC (“Red Rock”) (HSBC and collectively with Red Rock, the “Parties”). The parties hereby stipulate and agree as follows:

1 WHEREAS, the above-captioned action concerns an NRS 116 foreclosure sale involving
2 that real property in Clark County, Nevada with APN 179-34-615-084, commonly known as
3 2556 Velez Valley Way, Henderson, Nevada 89002 (the “Property”);

4 WHEREAS, the Plaintiff filed this action on March 20, 2017 and alleges several causes
5 of action against Red Rock;

6 WHEREAS, Red Rock filed a Motion to Dismiss on June 7, 2017; and

7 WHEREAS, Red Rock disclaims any interest in the Property.

8 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED that:

9 1. The Complaint is dismissed without prejudice as to Red Rock only, with each
10 party to bear their own fees/costs, and the Motion to Dismiss is deemed withdrawn.

11 2. Any statute of limitations for the causes of action asserted against Red Rock,
12 which Red Rock may allege have expired since the Complaint was filed on March 20, 2017 to
13 the date of this Stipulation, shall be tolled until further agreement of the Parties.

14 3. Within 14 days after entry of this Stipulation and Order, Red Rock shall provide
15 to First Light at Old Vegas Ranch Homeowners Association’s (the “Association”) defense
16 counsel of record in this matter the Association’s records, which are in Red Rock’s possession,
17 concerning the Association’s NRS Chapter 116 assessment lien foreclosure on the Property for
18 production by the Association’s defense counsel in the course of discovery under the Federal
19 Rules of Civil Procedure, subject to any and all applicable objections.

20 4. Upon proper notice by Plaintiff in accord with the Federal Rules of Civil
21 Procedure, Red Rock shall make available a knowledgeable witness for deposition limited to the
22 Association’s assessment lien foreclosure sale of the Property, and subject to any and all
23 applicable objections. Red Rock shall be provided 30 days’ notice of the deposition, and an
24 opportunity to coordinate with Plaintiff’s counsel, a mutually convenient time, date and location
25 of such deposition.

26 5. The Parties reserve any and all rights, privileges, and defenses under applicable
27 law.

28 ///

1 Wherefore, the undersigned request this Court enter an Order granting the above
2 stipulation.

3 DATED this 3rd day of July, 2017.

4 KOCH & SCOW, LLC

5 By: /s/ Steven B. Scow (with permission)

6 David R. Koch, Esq.
7 Nevada Bar No. 8830
8 Steven B. Scow, Esq.
9 Nevada Bar No. 9906
10 Brody B. Wight, Esq.
11 Nevada Bar No. 13615
12 11500 S. Eastern Ave., Ste. 210
13 *Attorneys for Red Rock Financial Services,
14 LLC*

15 DATED this 3rd day of July, 2017.

16 SNELL & WILMER L.L.P.

17 By: /s/ Nathan G. Kanute

18 Jeffrey Willis, Esq.
19 Nevada Bar No. 4797
20 Nathan G. Kanute, Esq.
21 Nevada Bar No. 12413
22 50 West Liberty Street, Suite 510
23 Reno, Nevada 89501
24 *Attorneys for HSBC*

ORDER

1 Based on the stipulation between plaintiff and Red Rock Financial Services, LLC [ECF
2 No. 32], which this court treats as a joint motion under LR 7-1(c), **IT IS SO ORDERED**;

3 IT IS FURTHER ORDERED that all claims against Red Rock Financial Services,
4 LLC are DISMISSED without prejudice, each party to bear its own fees and costs. The Clerk
5 of Court may TERMINATE Red Rock as a party in this action;

6 IT IS FURTHER ORDERED that Red Rock's Motion to Dismiss [ECF No. 23] is
7 DENIED as moot.

8 IT IS FURTHER ORDERED, based on the stipulation between the HOA and plaintiff
9 (which I also treat as a joint motion under LR 7-1(c)) and good cause appearing, that HSBC will
10 have until July 28, 2017, to file its response to the HOA's motion to dismiss [ECF Nos. 23, 28].

11 
12 U.S. District Judge Jennifer Dorsey
13 July 6, 2017