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Attorneys for Plaintiff, Deutsche Bank National Trust Company, as Trustee for the Holders of the First Franklin Mortgage Loan Trust 2006-FF5, Mortgage Pass-Through Certificates, Series 2006-FF5

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR THE HOLDERS OF THE FIRST FRANKLIN MORTGAGE LOAN TRUST 2006-FF5, MORTGAGE PASS- THROUGH CERTIFICATES, SERIES 2006-FF5., a National Association,

Plaintiff,

vs.

SATICOY BAY LLC SERIES 7920 CORAL POINT, a Nevada Limited Liability Company; TERRA WEST COLLECTIONS GROUP LLC d/b/a Assessment Management Services, a Nevada Limited Liability Company and SOUTH SHORES COMMUNITY ASSOCIATION, a Nevada Non-Profit Coop Corporation

Defendants.

Case No.: 2:17-cv-00907-RFB-GWF

STIPULATION AND ORDER STAYING DISCOVERY

Comes now, Plaintiff, Deutsche Bank National Trust Company, as Trustee for the Holders of the First Franklin Mortgage Loan Trust 2006-FF5, Mortgage Pass-Through Certificates, Series 2006-FF5 (“Deutsche”), Saticoy Bay LLC Series 7920 Coral Point, LLC

1 (“Buyer”), and South Shores Community Association (“HOA”), by and through their respective
2 attorneys of records, and hereby agree and stipulate as follows.

- 3 1. On March 31, 2017, Deutsche filed a Complaint (Docket No. 1).
- 4 2. HOA filed a Motion to Dismiss on April 26, 2017 (Docket No. 9), which is fully
5 briefed and pending with the Court.
- 6 3. Buyer filed a Motion to Dismiss on May 3, 2017 (Docket No. 11), which is fully
7 briefed and pending with the Court.
- 8 4. On June 9, 2017 this Court entered a Scheduling Order relating to the discovery plan
9 in this case (Docket No. 18), setting discovery cutoff for March 8, 2018.
- 10 5. Federal district courts have “wide discretion in controlling discovery.” *Little v. City*
11 *of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988).
- 12 6. To determine if a stay is appropriate, the court considers (1) damage from the stay;
13 (2) hardship or inequity that befalls one party more than the other; and (3) the orderly
14 course of justice. *See Dependable Highway Exp., Inc. v. Navigators Ins. Co.*, 498
15 F.3d 1059, 1066 (9th Cir. 2007) (setting forth factors). Here, the factors support a
16 stay of all proceedings based on the pending Motions to Dismiss as well as the
17 pending certified question to the Nevada Supreme Court in *Bank of New York Mellon*
18 *v. Star Hill Homeowners Association*, 2:16-cv-2561-RFB-PAL/Nev. S. Ct. Case No.
19 72931¹.
- 20 7. The parties believe a stay is warranted because they will be able to avoid the cost of
21 expense of continued written discovery and depositions on issues that may be
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27 ¹ Buyer believes the certified question relates to whether NRS §116.31168(1)’s incorporation of NRS §107.090
28 required a homeowner’s association to provide notices of default and/or sale to persons or entities holding a
subordinate interest even when such persons or entities did not request notice, prior to the amendments that took
effect on October 1, 2015 (Nev. S. Ct. Case No. 72931 (Order Accepting Certified Question, Directing Briefing and
Directing Submissions of Filing Fee, filed June 13, 2017), ECF No. 41.

1 irrelevant based on the outcomes of the pending motions and on the aforementioned
2 certified question. Moreover, the Court will be relieved of expending further time
3 and effort considering any discovery-related motions or protective orders.

- 4 8. The parties agree there will be no significant hardship or inequity against any party,
5 and it is appropriate for this Court to exercise its power to grant a stay of discovery at
6 this time. A trial date has not yet been set and the outcome of the pending motions to
7 dismiss as well as the certified question will potentially result in resolution of the
8 entire case.
9

10 Based on the foregoing, IT IS HEREBY STIPULATED AND AGREED that discovery
11 on the above-identified action should be stayed pending a decision from the Court on the
12 pending motions to dismiss as well as the aforementioned certified question.
13

14 Consistent herewith, IT IS FURTHER STIPULATED AND AGREED that any noticed
15 depositions are vacated, and deadlines for any pending written discovery are suspended until
16 further order of the Court.
17

18 IT IS SO STIPULATED.

19
20 DATED this 11th day of January, 2018.

21 **WRIGHT, FINLAY & ZAK, LLP**

22 */s/ Robert A. Riether, Esq.* _____

23 Robert A. Riether, Esq.

24 Nevada Bar No. 12076

25 7785 W. Sahara Avenue, Suite 200

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27 *Attorneys for Plaintiff, Deutsche Bank National Trust
28 Company, as Trustee for the Holders of the First Franklin
Mortgage Loan Trust 2006-FF5, Mortgage Pass-Through
Certificates, Series 2006-FF5*

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DATED this 11th day of January, 2018.

LEACH JOHNSON SONG & GRUCHOW

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DATED this 11th day of January, 2018.

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Coral Point*

ORDER

IT IS SO ORDERED.

Dated this 12th day of January, 2018.


UNITED STATES MAGISTRATE JUDGE