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 Corp.

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

11 BOMF IIIB 2014-19NPL1 CORP.,
 Plaintiff,
 12 vs.
 13 KEVIN MONINGER, AMELITA MONINGER,
 14 VILLA DEL ORO OWNERS ASSOCIATION,
 15 ASSET RECOVERY SERVICES, DOE
 16 INDIVIDUALS I-X, inclusive, and ROE
 CORPORATIONS I-X, inclusive,
 Defendants.

Case No.: 2:17-cv-01106-GMN-PAL

**STIPULATION AND ORDER TO JOIN
 INDISPENSABLE PARTY AS
 DEFENDANT**

17 Plaintiff BOMF IIIB-10NPL1 Corp. (**plaintiff**) and Villa del Oro Owners Association
 18 (**HOA**) stipulate and agree to join SALV LLC as an indispensable party in this matter pursuant to
 19 Federal Rule of Civil Procedure 19. Alternatively, plaintiff and the HOA request that SALV LLC be
 20 joined under Federal Rule of Civil Procedure 20. Plaintiff and the HOA further stipulate and agree
 21 as follows:

- 22 1. The property at issue in this lawsuit is located at 3153 Arville Street, Las Vegas,
 23 Nevada 89102.
- 24 2. The HOA foreclosed on the property on or about August 14, 2013. The property
 25 reverted to the HOA as a result of the foreclosure sale.
- 26 3. The HOA owned the property at the time plaintiff initiated the current litigation.
- 27 4. On July 11, 2017, the HOA quitclaimed the property to SALV LLC, a non-party to
 28 this litigation. A quitclaim deed was recorded with the Clark County Recorder as

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instrument no. 20170712-0000837.

- 5. Plaintiff recently became aware of the quitclaim deed when preparing for the upcoming settlement conference.
- 6. In SALV LLC's absence, the court cannot accord relief to plaintiff on its claim for quiet title and declaratory relief that plaintiff's deed of trust remains against the property. Upon information and belief, SALV LLC claims that plaintiff's deed of trust was extinguished as a result of the HOA's foreclosure sale.
- 7. As such, SALV LLC is a necessary party. CP Nat'l Corp. v. Bonneville Power Admin., 928 F.2d 905, 912 (9th Cir. 1991).
- 8. Upon information and belief, adding SALV LLC will not divest the court of jurisdiction.¹

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¹ Plaintiff states it recently assigned the deed of trust to Bank of America, N.A., and is in the process of recording the assignment with the Clark County Recorder. Plaintiff anticipates plaintiff and Bank of America will request to substitute Bank of America in the place of plaintiff once the recording process is complete.

1 9. Alternatively, plaintiff and the HOA request that if SALV LLC is not found to be an
2 indispensable party, it should be joined in this litigation as a proper party under
3 Federal Rule of Civil Procedure 20. Desert Empire Bank v. Ins. Co. of North
4 America, et al., 623 F.2d 1371 (9th Cir. 1980)).
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<p>6 AKERMAN LLP</p> <p>7 <u>/s/Natalie L. Winslow</u> 8 DARREN T. BRENNER, ESQ. 9 Nevada Bar No. 8386 10 NATALIE L. WINSLOW, ESQ. 11 Nevada Bar No. 12125 12 1635 Village Center Circle, Suite 200 13 Las Vegas, Nevada 89134</p> <p>14 Attorneys for BOMF IIIB 2014-19NPL1 Corp.</p>	<p>6 HOA LAWYERS GROUP, LLC</p> <p>7 <u>/s/Steven T. Liozzi</u> 8 STEVEN T. LOZZI, JR., ESQ. 9 Nevada Bar No. 10920 10 9500 W. Flamingo, Suite 204 11 Las Vegas, Nevada 89147</p> <p>12 Attorneys for Villa Del Oro Owners Association</p>
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13 **ORDER**

14 **IT IS HEREBY ORDERED** that the parties' Stipulation to Join an Indispensable Party is
15 **GRANTED.**

16 **IT IS FURTHER ORDERED** that, in light of the parties' representations herein, as well as
17 the parties' pending settlement conference, (ECF No. 35), the Court **DENIES** the pending
18 dispositive Motions, (ECF Nos. 22, 25, 28), without prejudice. In the event the parties do not reach
19 a settlement, the parties may refile their Motions within twenty-one (21) days after the date of the
20 settlement conference. Alternatively, should the parties seek further discovery in the matter in
21 light of the addition of a new indispensable party, the parties shall file dispositive motions
22 pursuant to the new scheduling order or within twenty-one (21) days after their motion to amend
23 the scheduling order is denied.

24 **IT IS SO ORDERED.**

25 DATED this 7 day of August, 2018.

26 
27 **Gloria M. Navarro, Chief Judge**
28 **UNITED STATES DISTRICT COURT**