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

11 WELLS FARGO BANK, N.A., a national
12 banking association,

13 Plaintiff,

14 vs.

15 MAHOGANY MEADOWS AVENUE
TRUST; COPPER CREEK HOMEOWNERS
16 ASSOCIATION, a Nevada non-profit
corporation; HAMPTON & HAMPTON
17 COLLECTIONS, LLC, a Nevada limited-
liability company;

18 Defendants.
19

Case No. 2:17-cv-01469-JCM-VCF

**STIPULATION AND ORDER FOR
DISMISSAL WITHOUT PREJUDICE
OF COPPER CREEK HOMEOWNERS
ASSOCIATION**

20 This Stipulation and Order for Dismissal Without Prejudice of Copper Creek
21 Homeowners Association is entered into as of the date below by and between Plaintiff Wells
22 Fargo Bank, N.A. (“Wells Fargo”) and Defendant Copper Creek Homeowners Association
23 (“Copper Creek” and collectively with Wells Fargo, the “Parties”). The Parties hereby stipulate
24 and agree as follows:

25 WHEREAS, the above-captioned action concerns an NRS 116 foreclosure sale involving
26 that real property in Clark County, Nevada with APN 161-26-310-011, commonly known as
27 6896 Mahogany Meadows Avenue, Las Vegas, Nevada 89122 (the “Property”);
28

1 WHEREAS, Wells Fargo filed a Complaint (ECF No. 1) in this action on May 23, 2017,
2 which alleges several causes of action against Copper Creek;

3 WHEREAS Copper Creek filed a Motion to Dismiss the Complaint (ECF No. 13) on
4 June 29, 2017; and

5 WHEREAS, Copper Creek disclaims any interest in title to the Property, but reserves its
6 ongoing rights under Nevada law, including NRS 116, and the governing documents, including
7 the Covenants, Conditions and Restrictions (“CC&Rs”);

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

9 1. The Complaint is dismissed without prejudice as to Copper Creek only, with each
10 party to bear their own fees/costs.

11 2. Copper Creek hereby withdraws its Motion to Dismiss (ECF No. 13).

12 3. Any statute of limitations for the causes of action asserted against Copper Creek
13 that did not run prior the filing of the Complaint on May 23, 2017, shall be tolled as of the filing
14 date until this litigation is fully and finally resolved. The HOA reserves the right to assert all
15 applicable affirmative defenses regarding the statute of limitations for any claims that may have
16 run prior to the filing of the Complaint on May 23, 2017.

17 4. Copper Creek represents that it will produce all documents in its possession
18 related to the litigation and the Property. To the extent additional documents are discovered
19 following the initial production, Copper Creek agrees to produce those documents to the parties
20 remaining in the litigation.

21 5. Upon proper notice by Wells Fargo in accord with the Federal Rules of Civil
22 Procedure, Copper Creek shall make available a knowledgeable witness for deposition limited to
23 the claims and defenses of the parties remaining in the litigation as those claims and defenses
24 relate to the assessment lien foreclosure sale of the Property, and subject to any and all
25 applicable objections. Copper Creek shall be provided 30 days’ notice of the deposition, and an
26 opportunity to coordinate with all remaining Parties concerning a mutually convenient time, date
27 and location of such deposition.

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6. The Parties reserve any and all rights, privileges, and defenses under applicable law.

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

Dated: July 26, 2017

Dated: July 26, 2017

SNELL & WILMER L.L.P.

LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.

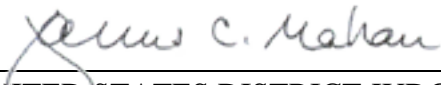
By: /s/ Michael Paretti

By: /s/ Amber M. Williams

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IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE
August 2, 2017
DATED: _____