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 10 *Federal National Mortgage Association*

11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 FEDERAL NATIONAL MORTGAGE
 14 ASSOCIATION,

15 Plaintiff,

16 v.

17 YAN LIN, an individual,

18 Defendant.

Case No. 2:17-cv-01533-RFB-NJK

**STIPULATION AND ORDER TO STAY
 ALL PROCEEDINGS**

19 Plaintiff FEDERAL NATIONAL MORTGAGE ASSOCIATION (“Fannie Mae”) and
 20 Defendant YAN LIN (“Lin”), by and through their respective counsel of record, hereby stipulate
 21 and agree as follows:

22 1. On May 31, 2017, Fannie Mae filed a Complaint herein challenging the facial
 23 constitutionality of NRS 116.3116, as it existed prior to October 1, 2015, on the basis of due
 24 process and *Bourne Valley Court Trust v. Wells Fargo Bank, N.A.*, 832 F.3d 1154, 1160 (9th Cir.
 25 2016). (*See* ECF No. 1).

26 2. This Court has certified an issue regarding NRS 116’s notice requirement to the
 27 Nevada Supreme Court in *Bank of New York Mellon v. Star Hill Homeowners Association, et al*,
 28 Case No. 2:16-cv-02561-RFB-PAL (ECF No. 41) (hereinafter the “Certified Question”).

1 3. In light of the Certified Question, this Court has stayed proceedings in a number
2 of other cases challenging the facial constitutionality of NRS 116.3116. *See e.g., Wells Fargo*
3 *Bank, N.A. v. SFR Investments Pool 1, LLC, et al*, Case No. 2:16-cv-02726-RFB-NJK (ECF No.
4 67); *Federal National Mortgage Association v. Martin*, Case No. 2:17-cv-00005-RFB-CWH
5 (ECF No. 22 – Minute Order); *Park 1 at Summerlingate Homeowner’s Association v. Federal*
6 *National Mortgage Association, et al*, Case No. 2:16-cv-00602-RFB-CWH (ECF No. 33 –
7 Minute Order); *Bank of New York Mellon v. Star Hill Homeowners Association, et al*, Case No.
8 2:16-cv-02561-RFB-PAL (ECF No. 45).

9 4. “[T]he power to stay proceedings is incidental to the power inherent in every
10 court to control the disposition of the causes of action on its docket with economy of time and
11 effort for itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936).
12 “A trial court may, with propriety, find it is efficient for its own docket and the fairest course for
13 the parties to enter a stay of an action before it, pending resolution of independent proceedings
14 which bear upon the case.” *Leyva v. Certified Grocers of Cal., Ltd.*, 593 F.2d 857, 863 (9th Cir.
15 1979).

16 5. When determining whether a stay of proceedings is appropriate, the Court
17 considers: (1) damage from the stay; (2) hardship or inequity that befalls one party more than the
18 other; and (3) the orderly course of justice. *See Dependable Highway Exp., Inc. v. Navigators*
19 *Ins. Co.*, 498 F.3d 1059, 1066 (9th Cir. 2007).

20 6. Fannie Mae and Lin agree that any damage, damage or hardship from a stay of
21 this matter is minimal at this point in time and that a decision on the Certified Question will help
22 promote an orderly disposition of one of the main issues in this case, namely the facial
23 constitutionality of NRS 116.3116.

24 7. Fannie Mae and Lin agree that either party may move to lift the stay at any time if
25 circumstances change or as each party may deem appropriate.

26 8. Accordingly, and consistent with the prior stay orders from this Court in the cases
27 listed in paragraph 3, Fannie Mae and Lin agree that all proceedings in the instant case, including
28

1 discovery, dispositive motions, and any other litigation or case management deadlines, are stayed
2 pending a final decision from the Nevada Supreme Court on the Certified Question.

3 IT IS SO STIPULATED AND AGREED this 4th day of January, 2018.

4 ALDRIDGE PITE, LLP

5 /s/ Jory C. Garabedian

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JORY C. GARABEDIAN, ESQ.

7 Nevada Bar No. 10352

8 *Attorneys for Plaintiff*

Federal National Mortgage Association

9 HONG & HONG, PLC

10 /s/ Joseph Y. Hong

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JOSEPH Y. HONG, ESQ.

12 Nevada Bar No. 5995

13 *Attorneys for Defendant*

Yan Lin

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15 **IT IS SO ORDERED.**

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U.S. DISTRICT COURT JUDGE

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19 Dated: January 5, 2018