

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

FEDERAL NATIONAL MORTGAGE  
ASSOCIATION,

Plaintiff(s),

v.

KEYNOTE PROPERTIES, LLC, et al.,

Defendant(s).

Case No. 2:17-CV-1647 JCM (NJK)

ORDER

Presently before the court is plaintiff Federal National Mortgage Association's motion to schedule a limited summary judgment briefing schedule. (ECF No. 24). Defendant Mission Hills Homeowners Association filed a response (ECF No. 26), to which plaintiff replied (ECF No. 27).

Plaintiff asserts that three recent Ninth Circuit decisions mandate a particular outcome in this case. (ECF No. 29), see *Berezovsky v. Moniz*, 869 F.3d 923 (9th Cir. 2017); *Elmer v. JPMorgan Chase & Co.*, --- F. App'x ---, 2017 WL 3822061 (9th Cir. Aug. 31, 2017); *Saticoy Bay, LLC v. Flagstar Bank, FSB*, --- F. App'x ---, 2017 WL 4712396 (9th Cir. Oct. 20, 2017). Plaintiff states that this case, along with four other similarly situated cases, presents sufficiently similar facts and the exact same legal issues that the Ninth Circuit considered in the above cases. As such, plaintiff requests that this court set a limited briefing schedule for summary judgment motions related to these legal issues.

Defendant opposes the motion in part. Defendant has an outstanding motion to dismiss, and it wants clarification that any court order does not impact consideration of defendant's motion.<sup>1</sup> Further, defendant disfavors consolidation of cases, and defendant fears that it will be

---

<sup>1</sup> The instant order will not impact the timeline consideration of defendant's motion.

1 forced to respond to arguments raised by parties in related cases that do not relate to the facts of  
2 this case.

3 The court will grant plaintiff's motion. As plaintiff's reply notes, granting the motion does  
4 not consolidate this case with any related case, which negates defendant's concerns in this regard.<sup>2</sup>  
5 Further, granting coordinated limited summary judgment briefing is in the interest of judicial  
6 economy.

7 The schedule is as follows: plaintiff's motion for summary judgment is due fourteen (14)  
8 days after the date of this order; any response to the motion is due twenty-eight (28) days after the  
9 filing of the motion; any reply in support of the motion will be due twenty-one (21) days after the  
10 date of the filing of the response.<sup>3</sup>

11 Accordingly,

12 IT IS HEREBY ORDERED that plaintiff's motion to set briefing (ECF No. 24) be, and the  
13 same hereby is, GRANTED in part and DENIED in part, consistent with the foregoing.

14 DATED December 13, 2017.

15   
16 \_\_\_\_\_  
17 UNITED STATES DISTRICT JUDGE

18  
19  
20  
21  
22  
23  
24  
25 \_\_\_\_\_  
26 <sup>2</sup> Although plaintiff asserts that the issues in five cases in front of this court are similar, the  
27 court will consider each case independently. Therefore, defendant will not need to consider or  
28 address claims or defenses raised in other cases.

<sup>3</sup> This schedule is more consistent with the local rules, which offer more time to respond  
than to reply, than the schedule offered by plaintiffs.