

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 Case No.: 2:17-cv-01673-JAD-GWF

4 The Bank of New York Mellon fka the Bank of
5 New York, as Trustee for the Certificateholders
6 of CWALT, Inc., Alternative Loan Trust 2005-
7 47-CV, Mortgage Pass-through Certificates
8 Series 2005-47CB,

9 Plaintiff

10 v.

11 The Springs at Centennial Ranch Homeowners
12 Association, et al.,

13 Defendants

**Order Denying Motions
for Summary Judgment
Without Prejudice and
Directing Rebriefing**

[ECF Nos. 63, 64, 66, 77]

14 The Bank of New York Mellon sues the Springs at Centennial Ranch Homeowners
15 Association (HOA) for damages and a declaration that the Bank's deed of trust securing the
16 mortgage on the home at 916 Malibu Sands Avenue in Las Vegas, Nevada, was not extinguished
17 by the HOA's January 2013 non-judicial foreclosure sale to SFR Investments Pool 1, LLC. All
18 parties moved for summary judgment on June 29, 2018. After those motions were filed, the
19 Nevada Supreme Court issued two important decisions in this area of Nevada law: *Bank of*
20 *America v. SFR Investment Pool 1, LLC*,¹ and *SFR Investments Pool 1, LLC v. Bank of New York*
21 *Mellon*.² Because these cases may materially impact the issues raised in the pending motions for
22 summary judgment, to promote judicial efficiency and ensure that this matter is decided based on
23 the most updated authority available,

24 IT IS HEREBY ORDERED that the pending motions for summary judgment [ECF Nos.
25 **63, 64, 66**] are **DENIED** without prejudice to their refiling no later than October 15, 2018.

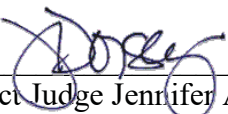
26 _____
27 ¹ 134 Nev. Adv. Op. 72 (Sept. 13, 2018).

28 ² 422 P.3d 1248 (Aug. 2, 2018).

1 IT IS FURTHER ORDERED that, **before the parties may file those revised motions,**
2 **they must meet and confer** as defined by Local Rule IA 1-3(f) about each argument contained
3 in the revised motion. **The new motions for summary judgment must be accompanied by a**
4 **declaration** by movant's counsel that sets forth the details and results of the meet-and-confer
5 conference and that certifies that, despite good faith efforts, the issues could not be resolved. If
6 new motions are filed, briefing will proceed under the schedule prescribed by Local Rule 7-2.

7 IT IS FURTHER ORDERED that Plaintiff's Motion for Leave to File Supplemental
8 Authority [ECF No. 77] is **DENIED** as moot.

9 Dated: September 14, 2018

10 
11 _____
12 U.S. District Judge Jennifer A. Dorsey
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28