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8

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF
12 THE CWALT, INC. ALTERNATIVE LOAN
TRUST 2006-OA10 MORTGAGE PASS-
13 THROUGH CERTIFICATES, SERIES 2006-
OA10, a national bank,

14 Plaintiff,

15 vs.

16 GREEN VALLEY SOUTH OWNERS
ASSOCIATION NO. 1, a Nevada corporation;
17 SFR INVESTMENTS POOL 1, LLC, a
Nevada limited liability company,

18 Defendants.
19

Case No.: 2:17-cv-02024-KJD-GWF

**STIPULATION AND ORDER TO STAY
CASE AND EXTEND DEADLINES
PENDING DECISION ON SFR
INVESTMENTS POOL 1, LLC'S
MOTION TO DISMISS**

(FIRST REQUEST)

20 Defendant, SFR INVESTMENTS POOL 1, LLC (“SFR”) and Plaintiff, THE BANK OF
21 NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE
22 CERTIFICATEHOLDERS OF THE CWALT, INC. ALTERNATIVE LOAN TRUST 2006-
23 OA10 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-OA10 (“BNYM”)
24 (collectively the “Parties”), by and through the undersigned counsel, hereby stipulate and agree to
25 stay the instant matter pending a decision on SFR’s Motion to Dismiss. Specifically, the Parties
26 stipulate to the following:

- 27 1. Pursuant to the Joint Discovery Plan and Scheduling Order entered on October 24, 2017
28 [ECF No. 17], the current dispositive motions deadline is April 4, 2018, and the current

- 1 date for the filing of the joint pretrial order is no later than May 4, 2018, within thirty
2 days after the date set for filing dispositive motions. [ECF No. 17].
- 3 2. On October 23, 2017, SFR filed a Motion to Dismiss BNYM’s Compliant Pursuant to
4 FRCP 12(b)(6) (“SFR’s MTD”). [ECF No. 15].
- 5 3. Briefing has been completed on SFR’s MTD [ECF No. 15] but no decision has been
6 made. If granted, SFR’s MTD will eliminate the need for further briefing. Therefore,
7 good cause exists to extend the remaining deadlines and stay the case until a decision
8 is made on SFR’s MTD [ECF No. 15].
- 9 4. The parties stipulate to and respectfully request that the Court stay this case to allow
10 sufficient time for the Court to rule on the pending SFR’s MTD [ECF No. 15]. Once
11 the Court rules on SFR’s MTD [ECF No. 15], if the case is not dismissed, the
12 dispositive motions deadline will be reset for sixty (60) days after the date of the
13 Court’s Order on SFR’s MTD [ECF No. 15]. The deadline to file the joint pretrial order
14 be extended to a date no later than 30 days after the dispositive motions deadline.
- 15 5. This is the parties’ first request for an extension and is not intended to cause any delay
16 or prejudice to any party.

17 DATED this 2nd day of April, 2018.

18 **KIM GILBERT EBRON**

19 /s/ Diana S. Ebron
20 DIANA S. EBRON, ESQ.
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DATED this 2nd day of April, 2018.

ZIEVE, BROADNAX & STEELE, LLP

/s/ Shadd A. Wade
SHADD A. WADE, ESQ.
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IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: 4-4-18