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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DEUTSCHE BANK NATIONAL TRUST
COMPANY, as TRUSTEE,

Plaintiff,

v.

PEPPERTREE HOMEOWNERS
ASSOCIATION, *et al.*,

Defendants.

Case No. 2:18-cv-00619-KJD-NJK

ORDER

Presently before the Court is Defendant/Counter-claimant Tow Properties, LLC V's Motion to Stay Case (#13). Plaintiff filed a response in opposition (#18) to which Tow Properties replied (#23). Also before the Court is Defendant Peppertree Homeowners Association's Motion to Dismiss (#8). Plaintiff filed a response in opposition (#10).

I. Motion to Stay

The motion to stay is now moot because on August 2, 2018, the Supreme Court of Nevada answered the certified question at issue. See SFR Invs. Pool 1, LLC v. Bank of New York Mellon, 422 P.3d 1248 (Nev. 2018). Further, it has since issued two new opinions that bear on the issues in this action. See Wells Fargo Bank, N.A. v. Tim Radecki, 2018 WL 4402403 (Nev. September 13, 2018); Bank of America, N.A. v. SFR Invs. Pool 1, LLC, 2018 WL 4403296 (Nev. September 13, 2018) (tender of the superpriority amount prior to foreclosure results in buyer taking property subject to deed of trust). Accordingly, the motion to stay is denied as moot.

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II. Motion to Dismiss


After Defendant Peppertree Homeowners Association (“Peppertree”) filed its motion to dismiss on May 4, 2018, the Nevada Supreme Court issued at least three opinions that affect the substance of Defendant’s argument for dismissal. Additionally, Plaintiff correctly asserts that Defendant is a necessary party under Federal Rule of Civil Procedure 19(a). Accordingly, the Court denies the motion to dismiss.

III. Conclusion

Accordingly, IT IS HEREBY ORDERED that Defendant/Counter-claimant Tow Properties, LLC V’s Motion to Stay Case (#13) is **DENIED as moot**;

IT IS FURTHER ORDERED that Defendant Peppertree Homeowners Association’s Motion to Dismiss (#8) is **DENIED**.

Dated this 18th day of October, 2018.



Kent J. Dawson
United States District Judge