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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DEUTSCHE BANK NATIONAL TRUST COMPANY, Plaintiff, vs. FIDELITY NATIONAL TITLE GROUP, INC., ET AL., Defendants.	Case No.: 2:20-CV-02146-RFB-VCF **STIPULATION TO STAY CASE**

Plaintiff Deutsche Bank National Trust Company and Defendants Fidelity National Title Group, Inc., Fidelity National Title Insurance Company, and Fidelity National Title Agency of Nevada, Inc. (collectively, the "Parties"), by and through their undersigned counsel, stipulate and

agree as follows, subject to the approval of the District Court:

This is one of several title insurance coverage disputes pending in this district following an HOA foreclosure sale. The case was originally filed in Nevada state court. ECF No. 1. Defendant Fidelity National Title Insurance Company removed based on diversity jurisdiction. *Id.* Plaintiff filed a motion to remand this matter to the Eighth District Court and a motion for fees (ECF Nos. 10-11). Defendants have each filed motions to dismiss (ECF Nos. 14-16);

To the extent the Court exercises jurisdiction over this matter, this case, like the majority of HOA title insurance cases pending in this district, concerns the ALTA 1992 loan policy of title insurance with form 1 coverage, along with the CLTA 100/ALTA 9 Endorsement and the CLTA 115.2/ALTA 5 Endorsement (others among these cases concern the similar CLTA 115.1/ALTA 4 Endorsement);

One such matter is on appeal, *Wells Fargo Bank, N.A. v. Fidelity National Title Ins. Co.*, Ninth Cir. Case No. 19-17332 (District Court Case No. 3:19-cv-00241-MMD-WGC) (the "*Wells Fargo II* Appeal"). The parties to that case—whose counsel are also counsel in this action—have been advised that the Ninth Circuit is considering the *Wells Fargo II* Appeal for oral argument;[1]

The Parties anticipate that the Ninth Circuit Court of Appeals' decision in the *Wells Fargo II* Appeal will likely touch upon issues regarding the interpretation of the title insurance policy that could potentially affect the disposition of this action, particularly given some of the similarities between the policy at issue in *Wells Fargo II* Appeal and the policy here;

Because the *Wells Fargo II* Appeal has the potential to resolve certain matters at issue in this case, to the extent the District Court finds it has jurisdiction to hear this dispute, the Parties stipulate and agree that a stay of discovery in this particular case pending the outcome *Wells Fargo II* Appeal is appropriate;

NOW THEREFORE, the Parties, by and through their undersigned counsel, hereby

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[1] The Court had indicated it would hear oral argument in Summer, 2021. The Ninth Circuit subsequently ordered the parties to participate in another pre-mediation conference, which is scheduled for early June. A new date or time frame for oral argument has not been provided. The Parties anticipate that a new date will be provided once the mediation conference is concluded.

stipulate and agree as follows:

1. Discovery between the Parties in the instant action shall immediately be **STAYED** pending the earlier of the disposition of either Plaintiff's motion to remand or the *Wells Fargo II* Appeal. The Parties shall not file any motions to enforce Party discovery while this stay is pending.
2. The Parties shall not file any additional dispositive motions while this stay is pending.
3. Each of the Parties shall be excused from responding to any now-outstanding discovery requests propounded by the other until after the stay is lifted.
4. The scheduling order previously entered in this action shall be hereby **VACATED**.
5. Each of the Parties may request a further Fed. R. Civ. P. 26(f) conference at any time 180 days after the order granting this stipulation.
6. In light of this stipulation, Defendants' motion to stay, and the associated response and reply memoranda (ECF Nos. 44, 47 and 49) are **WITHDRAWN AS MOOT**.

Dated: May 28, 2021

WRIGHT, FINLAY & ZAK

By: */s/-Darren T. Brenner*
DARREN T. BRENNER
Attorneys for Plaintiff
DEUTSCHE BANK NATIONAL TRUST COMPANY

Dated: May 28, 2021

SINCLAIR BRAUN LLP

By: */s/-Kevin S. Sinclair*
KEVIN S. SINCLAIR
Attorneys for Defendants
FIDELITY NATIONAL TITLE GROUP, INC., FIDELITY NATIONAL TITLE INSURANCE COMPANY, and FIDELITY NATIONAL TITLE AGENCY OF NEVADA, INC.

IT IS SO ORDERED.

Dated this 3rd day of June, 2021.

RICHARD F. BOULWARE
UNITED STATES DISTRICT JUDGE