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13 Southwest Meadows Homeowners Assoc.

14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**

16 BANK OF AMERICA, N.A., SUCCESSOR
17 BY MERGER TO BAC HOME LOANS
18 SERVICING, LP, F/K/A COUNTRYWIDE
19 HOME LOANS SERVICING LP,

20 Plaintiff,

21 v.

22 SOUTHWEST MEADOWS; LVDG LLC
23 A/K/A LVDG LLC SERIES 1101;
24 THUNDER PROPERTIES, INC.; ALESSI
25 & KOENIG, LLC,

26 Defendants.

CASE NO.: 3:16-cv-00183-MMD-VPC

**STIPULATION AND ORDER TO
WITHDRAW ALL EXCEPT THREE
LEGAL ARGUMENTS RAISED IN
DEFENDANT SOUTHWEST
MEADOWS' MOTION TO DISMISS
(ECF NO. 21)**

27 Plaintiff BANK OF AMERICA, N.A., and Defendant SOUTHWEST MEADOWS,
28 by and through their respective counsel, hereby agree and stipulate as follows:

IT IS HEREBY AGREED AND STIPULATED, that all the grounds for dismissal
raised by Southwest Meadows in its Motion to Dismiss filed on June 10, 2016 (ECF No.
21), are hereby **withdrawn**, without prejudice, except for the following legal arguments:

- A. Plaintiff's Claims Regarding Liability Under NRS Chapter 116 are Barred
by the Stature of Limitations;
- B. Plaintiff's Claims Are Barred by the Doctrine of Laches; and

1 C. Plaintiff's Failure to Mediate Its Claims Compels Dismissal of the
2 Complaint Pursuant to Nevada Revised Statutes, Section 38.310(2)

3 The parties have good cause for requesting the withdrawal of all other arguments
4 raised by Southwest Meadows in its this Motion to Dismiss, except for the above-
5 enumerated remaining legal arguments. This is the parties' way of limiting the issues to
6 aid in the expeditious litigation of this case.

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1 The parties have entered into the agreement in good faith and not for purposes
2 of delay. This is the parties' first request concerning Defendant's Motion to Dismiss.
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4 DATED this 12th day of July, 2016.

Dated this 12th day of July, 2016.

5 AKERMAN, LLP

LIPSON, NEILSON, COLE, SELTZER &
6 GARIN PC

7 By: /s/ Allison R. Schmidt

By: /s/ Megan H. Hummel

8 Melanie D. Morgan, Esq.
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13 Meadows Homeowners Assoc.*

14 ORDER

15 IT IS SO ORDERED.

16 Dated: July 14, 2016



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19 MIRANDA M. DU
20 UNITED STATES DISTRICT JUDGE

21 Respectfully Submitted by:

22 LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.

23 By: /s/ Megan H. Hummel

24 KALEB D. ANDERSON (NV Bar No. 7582)
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