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 THUNDER PROPERTIES, INC.

8 UNITED STATES DISTRICT COURT  
 9 DISTRICT OF NEVADA

10 \*\*\*

11 BANK OF AMERICA, N.A.,	)	
	)	
12 Plaintiff,	)	Case No. 3:16-cv-00188-MMD-CBC
13 vs.	)	
	)	
14 THE SIENA HOMEOWNER'S	)	
ASSOCIATION; THUNDER PROPERTIES,	)	
15 INC.; and HAMPTON & HAMPTON	)	
COLLECTIONS, LLC,	)	
16	)	
	)	
17 Defendants.	)	

18 **JOINT MOTION TO STAY BRIEFING OF SECOND MOTION FOR**  
 19 **SUMMARY JUDGMENT PENDING ANTICIPATED SETTLEMENT**

20 COMES NOW, Defendant, THUNDER PROPERTIES, INC. and Plaintiff, BANK OF  
 21 AMERICA, N.A., by and through their undersigned counsel, and hereby jointly move to stay  
 22 briefing of Plaintiff's Second Motion for Summary Judgment [ECF #85], as well as all other  
 23 applicable deadlines, for a period of approximately 60 days, stating as follows:

- 24 1. On November 19, 2018, Plaintiff filed a Second Motion for Partial Summary  
 25 Judgment herein [ECF #85]. Defendant's Response to said Motion was originally  
 26 due on December 17, 2018.
- 27 2. Pursuant to a Stipulation and order to Extend Time to Respond to Second Motion  
 28 for Summary Judgment (Fourth Request) filed on February 15, 2019 [ECF #100],

1 and approved on February 19, 2019 [ECF #101], Thunder Properties, Inc.'s  
2 Response to said Motion is presently due on March 8, 2019.

3 3. Since the filing of the Second Motion for Partial Summary Judgment, the parties  
4 have been engaged in settlement negotiations. Pursuant to these negotiations, the  
5 parties have agreed upon an amicable resolution of all claims at issue in this  
6 action. The terms of the settlement will ultimately be confidential, however, the  
7 agreement entails each of the Defendants paying a sum of money to the Plaintiff  
8 in exchange for a formal release and reconveyance of the deed of trust recorded  
9 against the real property at issue herein and a corresponding mutual release of  
10 claims between the parties.

11 4. Although all of the essential terms of the proposed settlement have been agreed  
12 upon by the parties, certain rather unique logistical issues exist with regard to the  
13 manner in which the surplus funds related to the homeowners association lien  
14 foreclosure sale at issue are to be distributed, including the terms of an  
15 indemnification agreement between the parties.

16 5. The parties desire to avoid unnecessarily expending additional resources on  
17 continued litigation given the agreed upon settlement. The parties do not believe  
18 that the issue of the surplus funds will render the settlement infeasible, however,  
19 additional time is required in order to resolve this issue.

20 6. Based upon the foregoing, the parties respectfully request that the briefing of  
21 Plaintiff's Second Motion for Summary Judgment, as well as all other related  
22 deadlines, be stayed for a period of approximately 60 days, until May 8, 2019.

23 7. The parties expect to finalize the settlement and cause this matter action to be  
24 dismissed in its entirety within said time period. In the event that this becomes  
25 impossible for some reason, the parties will so advise the Court by filing a status  
26 report or other appropriate document on or before May 8, 2019.

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8. This Joint Motion is made in good faith and not for purpose of delay.

Dated this 8<sup>th</sup> day of March, 2019.


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**IT IS SO ORDERED**

By:   
\_\_\_\_\_  
Judge, U.S. District Court

Dated: March 11, 2019

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 8<sup>th</sup> day of March, 2019, I served via the United States District Court CM/ECF electronic filing system, the foregoing **JOINT MOTION TO STAY BRIEFING OF SECOND MOTION FOR SUMMARY JUDGMENT PENDING ANTICIPATED SETTLEMENT** to the following parties:

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