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 THUNDER PROPERTIES, INC.

8 UNITED STATES DISTRICT COURT  
 9 DISTRICT OF NEVADA

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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 CONTINUE STAY OF BRIEFING OF SECOND MOTION FOR**  
 19 **SUMMARY JUDGMENT PENDING ANTICIPATED SETTLEMENT**

20 (Second Request)

21 COMES NOW, Defendant, THUNDER PROPERTIES, INC. and Plaintiff, BANK OF  
 22 AMERICA, N.A., by and through their undersigned counsel, and hereby provide a status report  
 23 pursuant to their Joint Motion to Stay Briefing of Second Motion for Summary Judgment  
 24 Pending Anticipated Settlement dated March 8, 2019 [ECF #102], which was approved on  
 25 March 11, 2019 [ECF #103]. The parties further move that the subject stay be continued for an  
 26 additional 60 days, stating as follows:

- 27 1. On November 19, 2018, Plaintiff filed a Second Motion for Partial Summary  
 28 Judgment herein [ECF #85]. Defendant's Response to said Motion was originally

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- due on December 17, 2018.
2. On March 8, 2019, the parties submitted a Joint Motion to Stay Briefing of Second Motion for Summary Judgment Pending Anticipated Settlement [ECF #102]. Said Motion was granted on March 11, 2019 [ECF #103].
  3. As set forth in said Motion, the parties have agreed upon the essential terms of a settlement. However, certain rather unique logistical issues exist with regard to the manner in which the surplus funds related to the homeowners association lien foreclosure sale at issue are to be distributed, including the terms of an indemnification agreement between the parties. The parties are continuing to work to resolve these issues.
  4. The parties desire to avoid unnecessarily expending additional resources on continued litigation given the agreed upon settlement. The parties continue to believe that the issue of the surplus funds will not render the settlement infeasible, however, additional time is required in order to resolve this issue.
  5. Based upon the foregoing, the parties respectfully request that the briefing of Plaintiff's Second Motion for Summary Judgment, as well as all other related deadlines, be stayed for a period of an additional 60 days, until July 23, 2019.
  6. The parties expect to finalize the settlement and cause this matter action to be dismissed in its entirety within said time period. In the event that this becomes impossible for some reason, the parties will so advise the Court by filing a status report or other appropriate document on or before July 23, 2019.

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

Dated this 23<sup>rd</sup> day of May, 2019.


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Bank of America, N.A.*

**IT IS SO ORDERED.**

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

Dated: May 23, 2019

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 23<sup>rd</sup> day of May, 2019, I served via the United States District Court CM/ECF electronic filing system, the foregoing **JOINT MOTION TO CONTINUE STAY OF BRIEFING OF SECOND MOTION FOR SUMMARY JUDGMENT PENDING ANTICIPATED SETTLEMENT** to the following parties:

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