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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 BANK OF AMERICA, N.A.,  
 11 Plaintiff,  
 12 vs.  
 13 THE SIENA HOMEOWNER'S ASSOCIATION;  
 THUNDER PROPERTIES, INC.; and  
 14 HAMPTON & HAMPTON COLLECTIONS,  
 LLC,  
 15 Defendants.  
 16

Case No.: 3:16-cv-00188-MMD-CLB

**STIPULATION AND ORDER TO EXTEND  
 DISMISSAL DEADLINE  
 (SECOND REQUEST)**

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 18 Bank of America, N.A. (**BANA**), Thunder Properties, Inc., and The Siena Homeowner's  
 19 Association (**the HOA**) (collectively "**the parties**"), submit the following stipulation to extend the  
 20 deadline to file dismissal documents:

21 1. BANA, Thunder, the HOA, and Hampton & Hampton Collections, LLC reached a  
 22 settlement in principle to resolve this action, as indicated by the parties' joint status report on August  
 23 22, 2019. (ECF No. 110.) In order to finalize the proposed settlement, the parties needed to reach an  
 24 agreement on a few remaining issues—most notably the distribution of surplus funds from the  
 25 HOA's foreclosure sale being held by Hampton & Hampton Collections, LLC.

26 2. To allow additional time to resolve these remaining issues, the parties requested the  
 27 court deny the pending summary judgment motion as moot, administratively close the case, and  
 28

1 retain jurisdiction. (ECF No. 110.) The parties stated their intention to file a stipulation to dismiss  
2 the litigation with prejudice once the parties had effectuated the proposed settlement agreement. (Id.)

3 3. Following the administrative closure, the parties continued to work towards finalizing  
4 the settlement; however, despite the undersigned parties' best efforts, the parties were unable to reach  
5 an agreement as to the distribution of the surplus funds with Hampton.

6 4. As a result, the undersigned parties had to recently restructure the proposed  
7 settlement agreement, which impacted the parties' ability to file dismissal documents by the court's  
8 original deadline.

9 5. On September 18, 2020, the parties filed a status report and stipulation with the court.  
10 The parties updated the court on the current status of settlement and requested additional time to  
11 submit dismissal documents.

12 6. Since the prior stipulation, the parties have continued to make significant progress  
13 towards resolving this action. The parties have fully executed the restructured settlement agreement  
14 and completed the majority of condition precedents to dismissal. Nonetheless, despite the parties'  
15 best efforts, one condition precedent remains.

16 7. The parties expect this matter to be resolved in the near term and respectfully request  
17 the court extend the deadline to file dismissal documents by thirty (30) additional days. The parties  
18 intend to file dismissal documents as soon as possible.

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1 8. This is the parties' second request for an extension of this deadline and is not intended  
2 to cause any delay or prejudice to any party.

3 DATED October 19, 2020.

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| <p>4 <b>AKERMAN LLP</b></p> <p>5 <u>/s/ Nicholas E. Belay</u></p> <p>6 MELANIE D. MORGAN, ESQ.<br/>Nevada Bar No. 8215</p> <p>7 NICHOLAS E. BELAY, ESQ.<br/>Nevada Bar No. 15175</p> <p>8 1635 Village Center Circle, Suite 200<br/>Las Vegas, NV 89134</p> <p>9</p> <p>10 Attorneys for Plaintiff Bank of America, N.A.</p>          | <p><b>ROGER P. CROTEAU &amp; ASSOCIATES, LTD.</b></p> <p><u>/s/ Timothy E. Rhoda</u></p> <p>ROGER P. CROTEAU, ESQ.<br/>Nevada Bar No. 4958</p> <p>TIMOTHY E. RHODA, ESQ.<br/>9120 West Post Rd., Ste. 100<br/>Las Vegas, Nevada 89148</p> <p>Attorney for Thunder Properties, Inc.</p> |
| <p>11 <b>LIPSON NEILSON P.C.</b></p> <p>12 <u>/s/ Amber M. Williams</u></p> <p>13 J. WILLIAM EBERT, ESQ.<br/>Nevada Bar No. 2697</p> <p>14 AMBER M. WILLIAMS, ESQ.<br/>Nevada Bar No. 12301</p> <p>15 9900 Covington Cross Dr., Ste. 120<br/>Las Vegas, NV 89144</p> <p>16 Attorneys for The Siena Homeowner's<br/>17 Association</p> |  |

18  
19 **IT IS SO ORDERED.**

**ORDER**



UNITED STATES DISTRICT JUDGE  
Case No. 3:16-cv-00188-MMD-CLB

DATED: 10/20/2020