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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 DITECH FINANCIAL LLC f/k/a GREEN TREE
 11 SERVICING LLC,

Case No. 3:16-cv-00351-MMD-VPC

12 Plaintiff,

13 vs.

14 DORADO HOMEOWNERS ASSOCIATION;
 15 LAS VEGAS DEVELOPMENT GROUP, LLC;
 16 THUNDER PROPERTIES, INC.; and NEVADA
 ASSOCIATION SERVICES, INC.,

**JOINT STATUS REPORT AND
 STIPULATION FOR PARTIAL STAY
 PENDING MOTION FOR SUMMARY
 JUDGMENT AND ORDER**

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 18 Defendants.

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 21 Plaintiff Ditech Financial LLC f/k/a Green Tree Servicing LLC (**Ditech**), and Defendants
 22 Dorado Homeowners Association (**Dorado**), Las Vegas Development Group, LLC (**LVDG**), and
 23 Thunder Properties, Inc. (**Thunder**) (collectively, the **parties**)¹ by and through their respective
 24 counsel of record, report to the court and stipulate as follows:
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28 ¹ The clerk entered a default against defendant Nevada Association Servicers, Inc. on February 23, 2017. (ECF. No. 22).

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1 **A. Joint Status Report**

2 1. This lawsuit involves quiet title/declaratory relief and other claims related to a non-
3 judicial homeowner's association foreclosure sale conducted pursuant to NRS 116.

4 2. On April 5, 2017, the parties filed a joint stipulation and proposed order to stay the
5 proceedings pending final resolution of all Bourne Valley and/or Saticoy Bay proceedings before the
6 United States Supreme Court. (ECF No. 29).

7 3. On April 10, the Court granted the stipulation and entered the proposed order. The
8 parties were directed to "submit a joint status report and renewed discovery plan and scheduling
9 order for the Court's approval" within forty five (45) days of final resolution of all Bourne Valley
10 and/or Saticoy Bay proceedings before the United States Supreme Court. (Dkt. No. 30).

11 4. On June 26, 2017, the United States Supreme Court denied Bourne Valley Trust's
12 petition for certiorari.

13 5. No petition for writ of certiorari was ever filed in Saticoy Bay LLC Series 350
14 Durango 104 v. Wells Fargo Home Mortgage, a Div. of Wells Fargo Bank, N.A.

15 6. The parties have met and conferred on the remaining case deadlines and stipulate to
16 the new deadlines set forth below.

17 **B. Stipulated Stay of Discovery deadlines Pending Motion for Summary Judgment**

18 7. Ditech intends to file a motion for summary judgment regarding the application of the
19 Bourne Valley decision by **August 21, 2017**.

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1 8. Ditech's summary judgment motion will raise purely legal issues concerning the
2 application of Bourne Valley that it asserts can be resolved without discovery. LVDG and Thunder
3 believe that discovery will ultimately be required, including discovery regarding the notices that
4 were provided to Ditech and/or its predecessor-in-interest. As a result, LVDG and Thunder believe
5 that the proposed motion for summary judgment is premature. With that said, the resolution of the
6 proposed motion could conceivably affect and provide guidance on the extent of necessary
7 discovery, if any, on all issues. If it is granted, it may result in resolution of the entire case although
8 LVDG and Thunder assert that such a result would be erroneous as a matter of law at this stage.

9 9. Federal district courts have "wide discretion in controlling discovery." *Little v. City*
10 of Seattle, 863 F.2d 681,685 (9th Cir. 1988).

11 10. To determine if a stay is appropriate, the court considers (1) damage from the stay;
12 (2) hardship or inequity that befalls one party more than the other; and (3) the orderly course of
13 justice. See *Dependable Highway Exp., Inc. v. Navigators Ins. Co.*, 498 F.3d 1059, 1066 (9th Cir.
14 2007) (setting forth factors). Here, the factors support a stay of all proceedings except dispositive
15 motions based on Bourne Valley.

16 11. The parties believe a stay is warranted because they will be able to avoid the cost and
17 expense of written discovery and depositions on issues that may be irrelevant based on the Bourne
18 Valley decision. Moreover, the court will be relieved of expending further time and effort
19 considering any discovery-related motions or protective orders.

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1 12. The parties agree there will be no significant hardship or inequity against either party,
 2 and it is appropriate for this Court to exercise its power to grant a stay of discovery at this time. A
 3 trial date has not yet been set and the outcome of BANA's proposed Bourne Valley partial motion for
 4 summary judgment has the potential to provide guidance on the extent of necessary discovery and
 5 conceivably result in possible resolution of the entire case

6 DATED; August 10, 2017

<p>7 AKERMAN LLP</p> <p>8 <u>/s/ Jamie K. Combs, Esq.</u> Ariel E. Stern, Esq. Nevada Bar No. 8276 Jamie K Combs Nevada Bar No. 13088 1160 Town Center Drive, Suite 330 Las Vegas, Nevada 89144</p> <p>10 Attorneys for Plaintiff Ditech Financial LLC</p>	<p>7 ROGER P. CROTEAU & ASSOCIATES, LTD</p> <p>8 <u>/s/ Timothy E. Rhoda, Esq.</u> Roger P. Croteau, Esq. Nevada Bar No. 4958 Timothy E. Rhoda, Esq. Nevada Bar No.7878 9120 West Post Road, Suite 100 Las Vegas, Nevada 89148 702-254-7775 (phone) 702-228-7719 (fax)</p> <p>10 Attorneys for Las Vegas Development Group, LLC & Thunder Properties, Inc.</p>
<p>11 THORNDAL, ARMSTRONG, DELK, BALKENBUSH & EISINGER</p> <p>12 <u>/s/ Keith B. Gibson, Esq.</u> Michael C. Hetey, Esq. Nevada Bar No. 5668 Heather L. Trujillo, Esq. Nevada Bar No. 12651 Keith B. Gibson, Esq. Nevada Bar No. 10050 1100 E. Bridger Ave. Las Vegas, NV 89101</p> <p>13 Attorneys for Dorado Homeowners' Association</p>	

14 **ORDER**

15 **IT IS SO ORDERED:**

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17 **UNITED STATES DISTRICT COURT JUDGE**

18 DATED: August 16, 2017