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7 *Attorneys for Plaintiff Deutsche Bank*
National Trust Company as Trustee for the
 8 *Holder of New Century Home Equity Loan*
Trust, Series 2005-A, Asset Backed Pass-
 9 *Through Certificates*

10 **UNITED STATES DISTRICT COURT**
 11 **DISTRICT OF NEVADA**

12 DEUTSCHE BANK NATIONAL TRUST
 COMPANY AS TRUSTEE FOR THE
 13 HOLDERS OF NEW CENTURY HOME
 EQUITY LOAN TRUST, SERIES 2005-A,
 14 ASSET BACKED PASS-THROUGH
 CERTIFICATES,

Case No.: 3:16-cv-00648-MMD-GWF

**STIPULATION AND ORDER FOR STAY
 OF DISCOVERY PENDING RESOLUTION
 OF PENDING MOTION FOR SUMMARY
 JUDGMENT**

15
 16 Plaintiff,

17 vs.

18 SPRINGLAND VILLAGE CONDOMINIUM
 ASSOCIATION; PHIL FRINK &
 19 ASSOCIATES, INC.; AND THUNDER
 20 PROPERTIES INC.,

21 Defendants.

22 Plaintiff Deutsche Bank National Trust Company as Trustee for the Holders of New Century
 23 Home Equity Loan Trust, Series 2005-A, Asset Backed Pass-Through Certificates (**Deutsche Bank**),
 24 and Defendant Springland Village Condominium Association (**Springland** or **HOA**), and Defendant
 25 Thunder Properties, Inc. (**Thunder Properties**), stipulate and agree as follows:

26 1. Deutsche Bank intends to file a motion for summary judgment regarding the
 27 application of the *Bourne Valley* decision.
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1 2. Deutsche Bank's summary judgment motion will raise purely legal issues concerning
2 the application of *Bourne Valley* that it asserts can be resolved without discovery. Thunder
3 Properties believes that discovery will ultimately be required, including discovery regarding the
4 notices that were provided to Deutsche Bank and/or its predecessor-in-interest. As a result, Thunder
5 Properties believes that the proposed motion for summary judgment is premature. Springland also
6 asserts that, in addition to the initial disclosures already made in this action, discovery will establish
7 that all pertinent provisions of NRS 116 were complied with in connection with the assessment lien
8 foreclosure sale of the subject property. With that said, the resolution of the proposed motion could
9 conceivably affect and provide guidance on the extent of necessary discovery, if any, on all issues.
10 If it is granted, it may result in resolution of the entire case although Thunder Properties asserts that
11 such a result would be erroneous as a matter of law at this stage.

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

14 4. To determine if a stay is appropriate, the court considers (1) damage from the stay; (2)
15 hardship or inequity that befalls one party more than the other; and (3) the orderly course of justice.
16 *See Dependable Highway Exp., Inc. v. Navigators Ins. Co.*, 498 F.3d 1059, 1066 (9th Cir. 2007)
17 (setting forth factors). Here, the factors support a stay discovery pending Deutsche Bank's dispositive
18 motion based on *Bourne Valley*.

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

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