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Steven D. Grierson
CLERK OF THE COURT

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MICHAEL F. BOHN, ESQ.
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LAW OFFICES OF
MICHAEL F. BOHN, ESQ., LTD.
376 East Warm Springs Road, Ste. 140
Las Vegas, Nevada 89119
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Attorney for plaintiff

Electronically Filed
Feb 13 2018 10:57 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

DISTRICT COURT

CLARK COUNTY NEVADA

SATICOY BAY LLC SERIES 1637 BENT ARROW, Plaintiff, vs. BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2005-27, MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2005-27; and NATIONAL DEFAULT SERVICING CORPORATION, Defendants.	CASE NO.: A-14-704418-C DEPT NO.: XXXI **NOTICE OF APPEAL**
BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2005-27, MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2005-27, Counterclaimant, v. SATICOY BAY LLC SERIES 1637 BENT ARROW; EL DORADO NEIGHBORHOOD FIRST HOMEOWNERS ASSOCIATION; ASSESSMENT MANAGEMENT SERVICES; DOES I through X; and ROE CORPORATIONS XI through XX, inclusive, Counterdefendants.	

Docket 75089 Document 2018-05885

Case Number: A-14-704418-C

NOTICE IS HEREBY GIVEN that Plaintiff, Saticoy Bay LLC Series 1637 Bent Arrow, hereby appeals to the Supreme Court of Nevada from the Order Granting Bank Of America, N.A.'S Motion To Redact And Prevent Further Use Of Exhibit 21, Page 2 In Unredacted Form entered on January 10, 2018.

DATED this 5th day of February 2018.

LAW OFFICES OF
MICHAEL F. BOHN, ESQ., LTD.

By: /s/ /*Michael F. Bohn, Esq.*/
MICHAEL F. BOHN, ESQ.
ADAM R. TRIPPIEDI, ESQ.
376 E. Warm Springs Rd., Ste. 140
Las Vegas, NV 89119
Attorney for plaintiff

CERTIFICATE OF SERVICE

Pursuant to NRCP 5, NEFCR 9 and EDCR 8.05, I hereby certify that I am an employee of LAW OFFICES OF MICHAEL F. BOHN., ESQ., and on the 5th day ofFebruary, 2018, an electronic copy of the **NOTICE OF APPAL** was served on opposing counsel via the Court's electronic service system to the following counsel of record:

Gordon Law LP

Name	Email	Select
Aviva Gordon	agordon@gordonlawlv.com	☑
Michelle Ordonio	gordonlaw@gordonlawlv.com	☑

Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP

Name	Email	Select
Gregory P Kerr	gkerr@wrslawyers.com	☑
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Zach McCracken	zmccracken@wrslawyers.com	☑

Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP.

Name	Email	Select
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Wright, Finlay & Zak, LLP

Name	Email	Select
Eric Powers	epowers@wrightlegal.net	☑
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/s/ Marc Samerof/
An Employee of the LAW OFFICES OF
MICHAEL F. BOHN, ESQ., LTD.

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2/5/2018 2:46 PM
Steven D. Grierson
CLERK OF THE COURT

ASTA

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Attorney for plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

SATICOY BAY LLC SERIES 1637 BENT ARROW, Plaintiff, vs. BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2005-27, MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2005-27; and NATIONAL DEFAULT SERVICING CORPORATION, Defendants.	CASE NO.: A-14-704418-C DEPT NO.: XXXI **CASE APPEAL STATEMENT**
BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2005-27, MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2005-27, Counterclaimant, v. SATICOY BAY LLC SERIES 1637 BENT ARROW; EL DORADO NEIGHBORHOOD FIRST HOMEOWNERS ASSOCIATION; ASSESSMENT MANAGEMENT SERVICES; DOES I through X; and ROE CORPORATIONS XI through XX, inclusive, Counterdefendants.	

Case Number: A-14-704418-C

1. The cross-appellant filing this case appeal statement is Saticoy Bay LLC Series 1637 Bent Arrow.

2. The judge issuing the order appealed from is the honorable Joanna S. Kishner.

3. The parties to the proceedings in District Court is Saticoy Bay LLC Series 1637 Bent Arrow, plaintiff and Bank of New York Mellon fka the Bank of New York, as Trustee for the Certificateholders of Cwalt, Inc., Alternative Loan Trust 2005-27, Mortgage Pass-through Certificates Series 2005-27; and National Default Servicing Corporation,, defendants.

4. The parties to this appeal are the cross-appellant Saticoy Bay LLC Series 1637 Bent Arrow; the cross-respondent is Bank of New York Mellon.

5. Counsel for Saticoy Bay LLC Series 1637 Bent Arrow is Michael F. Bohn, Esq., 376 E. Warm Springs Road, Suite 140, Las Vegas, Nevada 89119, (702) 642-3113. Counsel for respondent Bank of New York Mellon , is Edgar C. Smith, Esq., Wright Finlay & Zak, LLP, 7785 W. Sahara Avenue, Suite 200, Las Vegas, NV, 89117, (702) 475-7964.

6. The attorneys for both the plaintiff/cross-appellant and defendant/cross-respondent are licensed in the state of Nevada.

7. The cross-appellant was represented by retained counsel in the District Court;

8. The cross-appellant is represented by retained counsel on appeal; and

9. There were no orders granting leave to proceed in forma pauperis;

10. The complaint was filed in District Court on July 25, 2014;

11. The plaintiff filed this action seeking quiet title to the real property from the former owner and from all existing encumbrances on the property. The district court ruled in favor of the plaintiff and cross-appellant. The order that is being appealed is a post judgment order sealing an exhibit which had been admitted at trial.

12. The case is currently the subject of an appeal Supreme Court docket number 74953

13. The case does not involve child custody or visitation; and,

/ / /

/ / /

14. The issues presented in this case are issues of first impression. For this reason, it is unlikely that this case can be settled.

DATED this 5th day of February, 2018

LAW OFFICES OF
MICHAEL F. BOHN, ESQ., LTD.

By: /s/ /Michael F. Bohn, Esq./
MICHAEL F. BOHN, ESQ.
376 E. Warm Springs Road, Suite 140
Las Vegas, Nevada 89119
Attorney for plaintiff

CERTIFICATE OF SERVICE

Pursuant to NRCP 5, NEFCR 9 and EDCR 8.05, I hereby certify that I am an employee of Law Offices of Michael F. Bohn., Esq., and on the 5th day of February, 2018, an electronic copy of the **CASE APPEAL STATEMENT** was served on opposing counsel via the Court's electronic service system to the following counsel of record:

Gordon Law LP

Name	Email	Select
Aviva Gordon	agordon@gordonlawlv.com	✉ ☑
Michelle Ordonio	gordonlaw@gordonlawlv.com	✉ ☑

Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP

Name	Email	Select
Gregory P Kerr	gkerr@wrslawyers.com	✉ ☑
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Theresa McCracken	tmccracken@wrslawyers.com	✉ ☑
Zach McCracken	zmccracken@wrslawyers.com	✉ ☑

Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP.

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Wright, Finlay & Zak, LLP

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Eric Powers	epowers@wrightlegal.net	✉ ☑
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NVEfile	nvefile@wrightlegal.net	✉ ☑

/s/ Marc Sameroff /
An employee of the LAW OFFICES
OF MICHAEL F. BOHN, ESQ., LTD.

DEPARTMENT 31

CASE SUMMARY

CASE NO. A-14-704418-C

Saticoy Bay LLC Series 1637 Bent Arrow, Plaintiff(s)	§	Location:	**Department 31**
vs.	§	Judicial Officer:	**Kishner, Joanna S.**
Bank of New York Mellon, Defendant(s)	§	Filed on:	**07/25/2014**
	§	Cross-Reference Case Number:	**A704418**
	§	Supreme Court No.:	**74953**

CASE INFORMATION

Statistical Closures
10/25/2017 Judgment Reached (bench trial)

Case Type: **Other Title to Property**

Case Flags: **Appealed to Supreme Court**
Automatically Exempt from Arbitration

DATE — CASE ASSIGNMENT

Current Case Assignment

Case Number	A-14-704418-C
Court	Department 31
Date Assigned	07/25/2014
Judicial Officer	Kishner, Joanna S.

PARTY INFORMATION

		Lead Attorneys
Plaintiff	**Saticoy Bay LLC Series 1637 Bent Arrow**	**Bohn, Michael F** *Retained* 702-642-3113(W)
Defendant	**Bank of New York Mellon**	**Nitz, Dana J.** *Retained* 702-475-7964(W)
	National Default Servicing Corporation	**Nitz, Dana J.** *Retained* 702-475-7964(W)
Counter Claimant	**Bank of New York Mellon**	**Nitz, Dana J.** *Retained* 702-475-7964(W)
Counter Defendant	**Assessment Management Services**	**Gordon, Aviva Y** *Retained* 7023853727(W)
	Eldorado Neighborhood First Homeowners Association	**Butler, Jordan J.** *Retained* 702-341-5300(W)
	Saticoy Bay LLC Series 1637 Bent Arrow	**Bohn, Michael F** *Retained* 702-642-3113(W)

DATE — EVENTS & ORDERS OF THE COURT — INDEX

07/25/2014 Complaint
Filed By: Counter Defendant Saticoy Bay LLC Series 1637 Bent Arrow
Complaint

07/25/2014 Case Opened

08/14/2014	Receipt of Copy Filed by: Counter Defendant Saticoy Bay LLC Series 1637 Bent Arrow *Receipt of Copy of the Summons and Complaint for The Bank of New York*
08/14/2014	Affidavit of Service Filed By: Counter Defendant Saticoy Bay LLC Series 1637 Bent Arrow *Affidavit of Service - bank of New York Mellon fka The Bank of New York*
08/26/2014	Affidavit of Service Filed By: Counter Defendant Saticoy Bay LLC Series 1637 Bent Arrow *Affidavit of Service for National Default Servicing Corporation*
09/11/2014	Initial Appearance Fee Disclosure Filed By: Counter Claimant Bank of New York Mellon *Initial Appearance Fee Disclosure*
09/11/2014	Notice of Appearance Party: Counter Claimant Bank of New York Mellon *Notice of Appearance*
03/23/2015	Answer and Counterclaim Filed By: Counter Claimant Bank of New York Mellon *Defendants Bank of New York Mellon fka The Bank of New York, as Trustee for the Certificateholders of Cwalt Inc., Alternative Loan Trust 2005-27, Mortgage Pass-through Certificates Series 2005-27 and National Default Servicing Corporation's Answer to Complaint; Bank of New York Mellon's Counterclaim*
03/23/2015	Notice of Lis Pendens Filed by: Counter Claimant Bank of New York Mellon *Notice of Lis Pendens*
03/26/2015	Motion to Dismiss Filed By: Counter Defendant Saticoy Bay LLC Series 1637 Bent Arrow *Motion to Dismiss Counterclaim*
04/15/2015	Opposition to Motion to Dismiss Filed By: Counter Claimant Bank of New York Mellon *Opposition to Motion to Dismiss Counterclaim; Memorandum of Points and Authorities in Support by Bank of New York Mellon, as Trustee*
04/28/2015	**Motion to Dismiss** (9:30 AM) (Judicial Officer: Kishner, Joanna S.) **04/28/2015, 05/05/2015** *Plaintiff's Motion to Dismiss Counterclaim*
05/15/2015	Order Filed By: Counter Claimant Bank of New York Mellon *Order on Motion to Dismiss Counterclaim*
05/18/2015	Notice of Entry of Order Filed By: Counter Claimant Bank of New York Mellon *Notice of Entry of Order on Motion to Dismiss*
05/22/2015	*CANCELED* **Status Check** (3:00 AM) (Judicial Officer: Kishner, Joanna S.) *Vacated - per Order* *Status Check: Order 5/5/15*

06/11/2015	Initial Appearance Fee Disclosure Filed By: Counter Defendant Assessment Management Services *Initial Appearance Fee Disclosure*
06/11/2015	Reply to Counterclaim Filed by: Counter Defendant Assessment Management Services *Assessment Management Services Reply to Bank of New York Mellon's Counterclaim*
06/12/2015	Affidavit of Service Filed By: Counter Defendant Saticoy Bay LLC Series 1637 Bent Arrow *Affidavit of Service - El Dorado Neighborhood First Homeowners Association*
06/12/2015	Affidavit of Service Filed By: Counter Claimant Bank of New York Mellon *Affidavit of Service - Assessment Management Services*
06/15/2015	Answer to Counterclaim Filed By: Counter Defendant Saticoy Bay LLC Series 1637 Bent Arrow *Answer to Counterclaim*
06/15/2015	Answer to Counterclaim Filed By: Counter Defendant Eldorado Neighborhood First Homeowners Association *Counter-Defendant Eldorado Neighborhood First Homeowners Association's Answer to Counterclaim*
06/15/2015	Initial Appearance Fee Disclosure Filed By: Counter Defendant Eldorado Neighborhood First Homeowners Association *Counter-Defendant Eldorado Neighborhood First Homeowners Association's Initial Appearance Fee Disclosure*
06/15/2015	Notice Filed By: Counter Defendant Eldorado Neighborhood First Homeowners Association *Counter-Defendant Eldorado Neighborhood First Homeowners Association's Notice of NRCP 7.1 Disclosure*
08/24/2015	Joint Case Conference Report Filed By: Counter Defendant Saticoy Bay LLC Series 1637 Bent Arrow *Joint Case Conference Report*
10/29/2015	Scheduling Order *Scheduling Order*
11/23/2015	Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call *Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call, And Status Check*
07/25/2016	Stipulation and Order to Extend Discovery Deadlines Filed By: Counter Claimant Bank of New York Mellon *Stipulation and Order to Extend Discovery (First Request)*
08/04/2016	*CANCELED* **Status Check** (9:00 AM) (Judicial Officer: Kishner, Joanna S.) *Vacated - per Stipulation and Order*
08/09/2016	Order Setting Civil Non-Jury Trial

Amended Order Setting Civil Non-Jury Trial, Pre-Trial Conference , Calendar Call and Status Check

10/13/2016 *CANCELED* **Pre Trial Conference** (10:15 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated - per Stipulation and Order

11/03/2016 **Status Check** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)

11/08/2016 *CANCELED* **Calendar Call** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated - per Stipulation and Order

11/14/2016 *CANCELED* **Bench Trial** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated - per Stipulation and Order

11/21/2016 Motion for Summary Judgment
Filed By: Counter Defendant Saticoy Bay LLC Series 1637 Bent Arrow
Bank of New York Mellon's Motion for Summary Judgment

11/21/2016 Initial Appearance Fee Disclosure
Filed By: Counter Claimant Bank of New York Mellon
Initial Appearance Fee Disclosure

11/21/2016 Motion for Summary Judgment
Filed By: Counter Defendant Saticoy Bay LLC Series 1637 Bent Arrow
Motion for Summary Judgment

11/29/2016 Joinder to Motion For Summary Judgment
Filed By: Counter Defendant Eldorado Neighborhood First Homeowners Association
Eldorado Neighborhood First Homeowners Association's Joinder to Plaintiff's Motion for Summary Judgment

12/06/2016 Opposition to Motion For Summary Judgment
Filed By: Counter Defendant Saticoy Bay LLC Series 1637 Bent Arrow
Plaintiff Saticoy Bay LLC Series 1637 Bent Arrow's Opposition to Defendant's Motion for Summary Judgment

12/08/2016 Opposition to Motion For Summary Judgment
Filed By: Counter Claimant Bank of New York Mellon
Bank of New York Mellon's Opposition to Saticoy Bay LLC Series 1637 Bent Arrow's Motion for Summary Judgment and El Dorado Neighborhood First Homeowner's Association's Joinder

12/12/2016 Opposition
Filed By: Counter Defendant Eldorado Neighborhood First Homeowners Association
Eldorado Neighborhood First Homeowners Association's Opposition to Bank of New York Mellon's Objection to Joinder to Plaintiff's Motion for Summary Judgment

12/27/2016 Reply in Support
Filed By: Counter Defendant Saticoy Bay LLC Series 1637 Bent Arrow
Reply in Support of Plaintiff Saticoy Bay LLC 1637 Bent Arrow's Motion for Summary Judgment

01/04/2017 Supplemental
Filed by: Counter Defendant Saticoy Bay LLC Series 1637 Bent Arrow
Supplemental Authorities in Support of Motion for Summary Judgment

01/04/2017	Reply in Support Filed By: Counter Claimant Bank of New York Mellon *Bank of New York Mellon's Reply in Support of Motion for Summary Judgment*
01/05/2017	**Pre Trial Conference** (10:15 AM) (Judicial Officer: Kishner, Joanna S.)
01/05/2017	**Motion for Summary Judgment** (10:15 AM) (Judicial Officer: Kishner, Joanna S.) Events: 11/21/2016 Motion for Summary Judgment *Plaintiff Satiocy Bay LLC Serier 1637 Bent Arrow's Motion for Summary Judgment*
01/05/2017	**Motion for Summary Judgment** (10:15 AM) (Judicial Officer: Kishner, Joanna S.) Events: 11/21/2016 Motion for Summary Judgment *Bank of New York Mellon's Motion for Summary Judgment*
01/05/2017	**Joinder** (10:15 AM) (Judicial Officer: Kishner, Joanna S.) *Eldorado Neighborhood First Homeowners Association's Joinder to Plaintiff's Motion for Summary Judgment*
01/05/2017	**All Pending Motions** (10:15 AM) (Judicial Officer: Kishner, Joanna S.)
01/23/2017	Pre-Trial Disclosure Party: Counter Defendant Assessment Management Services *Assessment Management Services Pre-Trial Disclosure Statement*
01/31/2017	*CANCELED* **Calendar Call** (9:00 AM) (Judicial Officer: Kishner, Joanna S.) *Vacated - per Judge*
02/06/2017	*CANCELED* **Bench Trial** (9:00 AM) (Judicial Officer: Kishner, Joanna S.) *Vacated - per Judge*
02/09/2017	Pre-trial Memorandum Filed by: Counter Defendant Saticoy Bay LLC Series 1637 Bent Arrow *Joint EDCR 2.67 Pre-Trial Memorandum*
02/16/2017	**Calendar Call** (9:00 AM) (Judicial Officer: Kishner, Joanna S.) *Calendar Call*
02/17/2017	Brief Filed By: Counter Defendant Assessment Management Services *Assessment Management Services' Brief In Support of Its Request for the Court to Enforce Its Settlement Agreement with the Counterclaimant*
02/21/2017	Trial Memorandum Filed by: Counter Defendant Saticoy Bay LLC Series 1637 Bent Arrow *Plaintiff's EDCR 7.27 Trial Memorandum*
02/21/2017	Disclaimer of Interest Filed By: Counter Claimant Bank of New York Mellon *Disclaimer of Interest of National Default Servicing Corporation*
02/21/2017	**Bench Trial** (11:00 AM) (Judicial Officer: Kishner, Joanna S.) **02/21/2017-02/23/2017** *Bench Trial #1*
02/21/2017	Statement *Statement of Stipulated Facts for Trial*

02/23/2017	Brief Filed By: Counter Claimant Bank of New York Mellon *Bank of New York Mellon, as Trustee's Trial Brief*
04/07/2017	**Decision** (3:00 AM) (Judicial Officer: Kishner, Joanna S.) **04/07/2017, 04/21/2017, 05/05/2017, 05/19/2017, 06/02/2017, 06/16/2017, 06/30/2017, 07/21/2017** *Decision Re: Bench Trial*
08/14/2017	Miscellaneous Filing Filed by: Counter Defendant Eldorado Neighborhood First Homeowners Association *Counter-Defendant Eldorado Neighborhood First Homeowners Association's Proposed Amended Findings of Fact and Conclusions of Law*
09/07/2017	Motion Filed By: Counter Claimant Bank of New York Mellon *Bank of New York Mellon's Motion to Retract or Redact Inadvertently Disclosed Privileged Material*
09/21/2017	Opposition to Motion Filed By: Counter Defendant Saticoy Bay LLC Series 1637 Bent Arrow *Opposition to Motion to Retract or Redact*
09/25/2017	Joinder to Opposition to Motion Filed by: Counter Defendant Eldorado Neighborhood First Homeowners Association *Eldorado Neighborhood First Homeowners Association's Joinder to Plaintiff's Opposition to Retract or Redact*
09/29/2017	Findings of Fact, Conclusions of Law and Judgment *Findings of Fact - Conclusions of Law*
09/29/2017	Notice of Entry of Judgment Filed By: Counter Defendant Saticoy Bay LLC Series 1637 Bent Arrow *Notice of Entry of Judgment*
10/03/2017	Reply to Opposition *Reply by Bank of New York Mellon to Opposition to Motion to Retract Inadvertantly Disclosed Privileged Material*
10/06/2017	Memorandum Filed By: Counter Defendant Eldorado Neighborhood First Homeowners Association *Verified Memorandum of Costs of Counter-Defendant Eldorado Neighborhood First Homeowners Association*
10/09/2017	Recorders Transcript of Hearing *Transcript - Bench Trial - Day 3 - 2/23/17*
10/09/2017	Recorders Transcript of Hearing *Transcript - Bench Trial - Day 1 - 2/21/17*
10/09/2017	Recorders Transcript of Hearing *Transcript - Bench Trial - Day 2 - 2/22/17*
10/09/2017	Motion to Amend Judgment

Filed By: Counter Claimant Bank of New York Mellon
Defendant and Counter-Claimant Bank of New York Mellon, as Trustee's Motion to Alter or Amend Judgment and Findings of Fact and Conclusions of Law Pursuant to NRCP 52 and NRCP 59

10/10/2017 **Motion to Seal/Redact Records** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Bank of New York Mellon's Motion to Retract or Redact Inadvertently Disclosed Privileged Material

10/11/2017 Motion to Retax
Defendant and Counter-Claimant Bank of New York Mellon, as Trustee's Motion to (1) Defer Ruling on an Award of Costs; (2) Tax Costs as to Counter-Defendant Eldorado Neighborhood First Homeowners Association

10/18/2017 Transcript of Proceedings
Transcript - Bank of New York Mellon's Motion to Retract or Redact Inadvertently Disclosed Privileged Material 10/10/17

10/23/2017 Motion for Attorney Fees
Filed By: Counter Defendant Eldorado Neighborhood First Homeowners Association
Counter-Defendant Eldorado Neighborhood First Homeowners Association's Motion for Attorney's Fees

10/24/2017 Order Denying
Filed By: Counter Defendant Saticoy Bay LLC Series 1637 Bent Arrow
Order Denying Motion to retract or Redact Inadvertently Disclosed Privileged Material

10/24/2017 Opposition
Filed By: Counter Defendant Saticoy Bay LLC Series 1637 Bent Arrow
Plaintiff s Opposition to Bank of New York Mellon, as Trustee s Motion to Alter or Amend Judgment and Findings of Fact and Conclusions of Law Pursuant to Nrcp 52 and Nrcp 59

10/24/2017 Notice of Entry
Filed By: Counter Defendant Saticoy Bay LLC Series 1637 Bent Arrow
Notice of Entry of Order

10/25/2017 Order to Statistically Close Case
Civil Order to Statistically close Case

10/26/2017 Joinder to Opposition to Motion
Filed by: Counter Defendant Eldorado Neighborhood First Homeowners Association
Eldorado Neighborhood First Homeowners Association's Joinder to Plaintiff's Opposition to Motion to Alter or Amend Judgment and Findings of Fact Conclusions of Law Pursuant to NRCP 52 and NRCP 59

10/26/2017 **Amended Judgment** (Judicial Officer: Kishner, Joanna S.)
Debtors: Bank of New York Mellon (Counter Claimant)
Creditors: Eldorado Neighborhood First Homeowners Association (Counter Defendant), Assessment Management Services (Counter Defendant)
Judgment: 10/26/2017, Docketed: 09/29/2017

10/26/2017 Amended
Amended Findings of Fact and Conclusions of Law

10/26/2017 Motion to Seal/Redact Records
Bank Of America, N.A.'S Motion To Redact And Prevent Further Use Of Exhibit 21, Page 2 In

Unredacted Form

10/30/2017 Opposition to Motion
Filed By: Counter Defendant Eldorado Neighborhood First Homeowners Association
Eldorado Neighborhood First Homeowners Association's Opposition to Bank of New York Mellon's Motion to Defer Ruling on an Award of Costs and Retax Costs

11/06/2017 Reply to Opposition
Filed by: Counter Claimant Bank of New York Mellon
Reply by Bank of New York Mellon to Opposition to Alter or Amend Judgment

11/13/2017 Opposition to Motion
Defendant and Counter-Claimant Bank of New York Mellon, as Trustee s Opposition to Motion for an Award of Attorney s Fees by Counter-Defendant Eldorado Neighborhood First Homeowners Association

11/14/2017 **Motion to Amend Judgment** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Defendant and Counter-Claimant Bank of New York Mellon, as Trustee's Motion to Alter or Amend Judgment and Findings of Fact and Conclusions of Law Pursuant to NRCP 52 and NRCP 59

11/14/2017 **Motion** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
11/14/2017, 12/05/2017, 12/22/2017
Defendant and Counter-Claimant Bank of New York Mellon, as Trustee's Motion to (1) Defer Ruling on an Award of Costs; (2) Tax Costs as to Counter-Defendant Eldorado Neighborhood First Homeowners Association

11/14/2017 **All Pending Motions** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)

11/17/2017 Opposition
Filed By: Counter Defendant Saticoy Bay LLC Series 1637 Bent Arrow
Opposition to Motion to Retract or Redact

11/21/2017 Reply in Support
Bank Of America, N.A.'S Reply Supporting Motion To Redact And Prevent Further Use Of Exhibit 21, Page 2 In Unredacted Form

11/28/2017 Reply in Support
Filed By: Counter Defendant Eldorado Neighborhood First Homeowners Association
Counter-Defendant Eldorado Neighborhood First Homeowners Association's Reply in Support of Motion for Attorney's Fees

12/05/2017 **Motion for Attorney Fees** (10:00 AM) (Judicial Officer: Kishner, Joanna S.)
12/05/2017, 12/22/2017
Counter-Defendant Eldorado Neighborhood First Homeowners Association's Motion for Attorney's Fees

12/05/2017 **Motion to Seal/Redact Records** (10:00 AM) (Judicial Officer: Kishner, Joanna S.)
Bank Of America, N.A.'S Motion To Redact And Prevent Further Use Of Exhibit 21, Page 2 In Unredacted Form

12/05/2017 **All Pending Motions** (10:00 AM) (Judicial Officer: Kishner, Joanna S.)

12/20/2017 Order Denying Motion
Filed By: Counter Defendant Saticoy Bay LLC Series 1637 Bent Arrow
Order Denying Bank of New York Mellon, as Trustee s Motion to Alter or Amend Judgment

	And Findings of Fact and Conclusions of Law Pursuant to Nrcp 52 and Nrcp 59
12/20/2017	Notice of Entry of Order *Notice of Entry of Order*
12/29/2017	**Order** (Judicial Officer: Kishner, Joanna S.) Debtors: Bank of New York Mellon (Counter Claimant) Creditors: Eldorado Neighborhood First Homeowners Association (Counter Defendant) Judgment: 12/29/2017, Docketed: 01/02/2018 Total Judgment: 1,791.68
12/29/2017	Order Filed By: Counter Defendant Eldorado Neighborhood First Homeowners Association *Order Regarding Costs*
01/02/2018	Notice of Entry of Order Filed By: Counter Defendant Eldorado Neighborhood First Homeowners Association *Notice of Entry of Order*
01/10/2018	Order Granting Filed By: Counter Claimant Bank of New York Mellon *Order Granting Bank Of America, N.A.'S Motion To Redact And Prevent Further Use Of Exhibit 21, Page 2 In Unredacted Form*
01/11/2018	Notice of Entry of Order *Notice Of Entry Of Order Granting Bank Of America, N.A.'s Motion To Redact And Prevent Further Use Of Exhibit 21, Page 2 In Unredacted Form*
01/17/2018	Notice of Appeal Filed By: Counter Claimant Bank of New York Mellon *Notice of Appeal*
01/19/2018	Notice of Appeal *Notice of Appeal*
01/23/2018	Case Appeal Statement *Case Appeal Statement*
02/01/2018	Notice of Entry of Findings of Fact, Conclusions of Law *Notice of Entry of Amended Findings of Fact and Conclusions of Law and Judgment*
02/05/2018	Notice of Appeal *Notice of appeal*
02/05/2018	Case Appeal Statement *Case Appeal Statement*

DATE	FINANCIAL INFORMATION	
	Counter Defendant Assessment Management Services	
	Total Charges	223.00
	Total Payments and Credits	223.00
	Balance Due as of 2/7/2018	**0.00**
	Counter Defendant Eldorado Neighborhood First Homeowners Association	
	Total Charges	423.00

Total Payments and Credits	423.00
Balance Due as of 2/7/2018	**0.00**
Counter Claimant Bank of New York Mellon	
Total Charges	447.00
Total Payments and Credits	447.00
Balance Due as of 2/7/2018	**0.00**
Defendant National Default Servicing Corporation	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 2/7/2018	**0.00**
Counter Defendant Saticoy Bay LLC Series 1637 Bent Arrow	
Total Charges	497.00
Total Payments and Credits	497.00
Balance Due as of 2/7/2018	**0.00**
Counter Claimant Bank of New York Mellon	
Appeal Bond Balance as of 2/7/2018	**500.00**

DISTRICT COURT CIVIL COVER SHEET

A- 14- 704418- C

County, Nevada

Case No. _____ XXXI

(Assigned by Clerk's Office)

I. Party Information *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone):	Defendant(s) (name/address/phone):
SATICOY BAY LLC SERIES 1637 BENT ARROW	BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2005-27, MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2005-27; and NATIONAL DEFAULT SERVICING CORPORATION
Attorney (name/address/phone):	Attorney (name/address/phone):
MICHAEL F. BOHN, ESQ. 376 East warm Springs Road, Suite 140 Las Vegas, NV 89119 (702) 642-3113	

II. Nature of Controversy *(please select the one most applicable filing type below)*

Civil Case Filing Types

Real Property

Landlord/Tenant
- ☐ Unlawful Detainer
- ☐ Other Landlord/Tenant

Title to Property
- ☐ Judicial Foreclosure
- ■ Other Title to Property

Other Real Property
- ☐ Condemnation/Eminent Domain
- ☐ Other Real Property

Torts

Negligence
- ☐ Auto
- ☐ Premises Liability
- ☐ Other Negligence

Malpractice
- ☐ Medical/Dental
- ☐ Legal
- ☐ Accounting
- ☐ Other Malpractice

Other Torts
- ☐ Product Liability
- ☐ Intentional Misconduct
- ☐ Employment Tort
- ☐ Insurance Tort
- ☐ Other Tort

Probate

Probate *(select case type and estate value)*
- ☐ Summary Administration
- ☐ General Administration
- ☐ Special Administration
- ☐ Set Aside
- ☐ Trust/Conservatorship
- ☐ Other Probate

Estate Value
- ☐ Over $200,000
- ☐ Between $100,000 and $200,000
- ☐ Under $100,000 or Unknown
- ☐ Under $2,500

Construction Defect & Contract

Construction Defect
- ☐ Chapter 40
- ☐ Other Construction Defect

Contract Case
- ☐ Uniform Commercial Code
- ☐ Building and Construction
- ☐ Insurance Carrier
- ☐ Commercial Instrument
- ☐ Collection of Accounts
- ☐ Employment Contract
- ☐ Other Contract

Judicial Review/Appeal

Judicial Review
- ☐ Foreclosure Mediation Case
- ☐ Petition to Seal Records
- ☐ Mental Competency

Nevada State Agency Appeal
- ☐ Department of Motor Vehicle
- ☐ Worker's Compensation
- ☐ Other Nevada State Agency

Appeal Other
- ☐ Appeal from Lower Court
- ☐ Other Judicial Review/Appeal

Civil Writ

Civil Writ
- ☐ Writ of Habeas Corpus
- ☐ Writ of Mandamus
- ☐ Writ of Quo Warrant
- ☐ Writ of Prohibition
- ☐ Other Civil Writ

Other Civil Filing

Other Civil Filing
- ☐ Compromise of Minor's Claim
- ☐ Foreign Judgment
- ☐ Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

July 25, 2014
Date

/s/ Michael F. Bohn, Esq. /
Signature of initiating party or representative

See other side for family-related case filings.

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Steven D. Grierson
CLERK OF THE COURT

ORDR

DARREN T. BRENNER, ESQ.
Nevada Bar No. 8386
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Attorneys for Bank of America, N.A.

DISTRICT COURT

CLARK COUNTY, NEVADA

SATICOY BAY LLC SERIES 1637 BENT ARROW,

Plaintiff,

v.

BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2005-27, MORTGAGE PASS-THROUGH CERTIFICATES, 2005-27; AND NATIONAL DEFAULT SERVICING CORPORATION,

Defendants.

BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2005-27, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-27,

Counterclaimant,

v.

SATICOY BAY LLC SERIES 1637 BENT ARROW; EL DORADO NEIGHBORHOOD FIRST HOMEOWNERS ASSOCIATION; ASSESSMENT MANAGEMENT SERVICES; DOES I through X; and ROE CORPORATIONS XI through XX, inclusive,

Counter-defendants.

Case No.: A-14-704418-C

Dept.: XXXI

ORDER GRANTING BANK OF AMERICA, N.A.'S MOTION TO REDACT AND PREVENT FURTHER USE OF EXHIBIT 21, PAGE 2 IN UNREDACTED FORM

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TEL.: (702) 634-5000 – FAX: (702) 380-8572

12-28-17 P03:57 IN

Case Number: A-14-704418-C

THIS MATTER comes before the Court on Bank of America, N.A. (**BANA**)'s motion to redact and prevent further use of exhibit 21, page 2 in unredacted form, filed on October 26, 2017 (the **motion**). The motion came on for hearing on December 5, 2017 at 10:00 a.m. Darren T. Brenner, Esq. appeared for BANA. Michael F. Bohn, Esq. appeared for Saticoy Bay LLC Series 1637 Bent Arrow. After reviewing the parties' briefing and evidence, hearing from counsel, and reviewing the record, the Court finds, concludes and orders as follows:

FINDINGS OF FACT

1. BANA, as prior servicer for plaintiff Bank of New York Mellon f/k/a The Bank of New York, as Trustee for the Certificateholders of CWALT, Inc., Alternative Loan Trust 2005-27, Mortgage Pass-Through Certificates, Series 2005-27 (**BoNYM**)'s former loan servicer, retained Miles, Bauer, Bergstrom & Winters LLP (**Miles Bauer**) as its counsel in connection with the foreclosure proceedings at issue in this case prior to February 11, 2011.

2. Former Miles Bauer attorney Rock K. Jung sent an email to BANA to provide legal advice on February 11, 2011 at 8:45 a.m. (the **February 11 email**). The February 11 email contains communications between Mr. Jung, as BANA's former counsel, and BANA, made for the purpose of facilitating legal services. The February 11 email also contains Mr. Jung's mental impressions and provides a strategy recommendation to BANA.

3. Per the unrefuted affidavits BANA attached to its motion, in 2015, BANA retained Akerman LLP to facilitate requests for its records held by the Miles Bauer firm. In connection with this representation, and based upon Wright, Finlay & Zak LLP (**WFZ**)'s prior agreement not to disclose any privileged information, Akerman obtained and provided WFZ, as BoNYM's counsel, several documents from Miles Bauer's records, including the February 11 email.

4. The agreement notwithstanding, WFZ, as BoNYM's counsel, disclosed the February 11 email in unredacted form to the parties of record in this case on September 28, 2016 as part of a discovery production. WFZ, as BoNYM's counsel, also stipulated to admitting the February 11 email in unredacted form as page 2 of exhibit 21 at the bench trial this Court conducted in February 2017.

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5. WFZ attorney Ed Smith submitted an affidavit affirming (1) "The agreement between BANA's counsel and our firm was not followed in this instance because the documents was permitted to be produced and offered in unredacted form. Nor did [BANA] or the Akerman firm know beforehand of the production of the privileged information" and (2) "At no time has [BANA] agreed to disclosure of this correspondence." In addition, Mr. Smith's affidavit confirms WFZ understood the email "would fall within the scope of the attorney-client privilege, and should be redacted, if produced at all," and an attorney no longer with WFZ inadvertently produced the February 11 email in unredacted form. Based on Mr. Smith's unrebutted affidavit, the Court finds WFZ inadvertently disclosed the February 11 email in unredacted form.

6. BANA first discovered WFZ and BoNYM had disclosed the February 11 email in May 2017, when Saticoy Bay or its counsel began disclosing it in other matters. Neither Saticoy Bay nor its counsel obtained BANA's permission prior to republishing the February 11 email. When Akerman learned of the disclosure, it contacted Saticoy Bay's counsel to advise, as far as Akerman knew, BANA did not agree to waive any privileges with respect to the email and demand Saticoy Bay cease further dissemination.

7. Akerman also contacted WFZ immediately upon discovering Saticoy Bay and its counsel had obtained the February 11 email in unredacted form. WFZ initially believed it produced the February 11 email with appropriate privilege redactions, but later advised Akerman it inadvertently disclosed the email in unredacted form. WFZ assured BANA and Akerman it would promptly file a claw back motion.

8. BoNYM, through WFZ, filed a motion to "retract or redact inadvertently disclosed privileged material" on September 7, 2017. The Court denied the motion holding, among other things, BoNYM cannot invoke BANA's privileges with respect to the February 11 email. BANA thereafter filed its motion.

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9. BANA's motion seeks a different form of relief than BoNYM's motion (which the Court denied). BANA requests this Court confirm the February 11 email is privileged, order the privileged portions of the February 11 email redacted, and protect the February 11 email from further use, including (a) expressly confirming Saticoy Bay cannot use it in other cases and (b) ordering Saticoy Bay to take all necessary action to "claw back" the copies it disseminated to others.

10. Saticoy Bay opposed BANA's motion. It argued BANA waived its privileges based on BoNYM and WFZ's disclosure, but did not dispute the attorney-client and work product privileges attach to the February 11 email unless waived. To support its waiver argument, Saticoy Boy asserts BoNYM obtained the email, disclosed it in connection with this case, and stipulated to its admission at trial. Saticoy Bay also asserted Mr. Jung attended trial as a witness but failed to invoke any privileges during his testimony.

11. The February 11 email became a public record retrievable from this Court's vault after its admission at trial, but does not otherwise appear in this Court's record in unredacted form.

12. The Court considered the February 11 email in entering its findings of fact, conclusions of law and judgment after trial.

CONCLUSIONS OF LAW

1. NRS 49.095 governs the attorney-client privilege. It provides (1) confidential communications, (2) between the lawyer (or representative) and the client (or representative), (3) "[m]ade for the purpose of facilitating the rendition of professional services to the client," are privileged. *Howard v. State*, 291 P.3d 137, 144 (Nev. 2012). A communication is "confidential" if it is "not intended to be disclosed to third persons other than those to whom disclosure is in furtherance of the rendition of professional legal services to the client[.]" NRS 49.055.

2. The portions of the February 11 email redacted on Exhibit A attached to BANA's motion are protected by the attorney-client privilege. All three statutory requirements are met.

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3. BANA holds the attorney-client privilege with respect to the February 11 email. NRS NRS 49.095. While counsel can invoke the attorney-client privilege on its behalf, counsel cannot waive BANA's attorney-client privilege. *Manley v. State*, 115 Nev. 114, 121 n.1, 979 P.2d 703, 707 n. 1 (1999). Only BANA can waive its attorney-client privilege. *See id.*

4. NRCP 26(b)(3) sets forth the work product privilege. It is more expansive than the attorney-client privilege because it protects "more than just communications between a client and an attorney." *Wynn Resorts Ltd. v. Eighth Jud. Dist. Court*, 399 P.3d 334, 347 (Nev. 2017). It covers an attorney's mental impressions, conclusions, and legal theories concerning litigation. *Wardleigh v. Second Jud. Dist. Court*, 111 Nev. 345, 357, 891 P.2d 1180, 1188 (1995). To apply, the document must (**1**) be prepared in anticipation of litigation or for trial and (**2**) prepared by or for another party or by or for the other party's representative. *Wynn Resorts Ltd.*, 399 P.3d at 347.

5. The portions of the February 11 email redacted on Exhibit A attached to BANA's motion are protected by the work product privilege as well. The redacted portions set forth Mr. Jung's mental impressions, conclusions and legal theories. In addition, Mr. Jung prepared and delivered the February 11 email to BANA anticipating litigation.

6. Both BANA and Mr. Jung hold the work product privilege with respect to the February 11 email. *Wynn Resorts*, 399 P.3d at 348. Counsel's waiver will not waive the attorney's work product protection, and vice versa, as a result. *In re Grand Jury Proceedings*, 43 F.3d 966, 972 (5th Cir. 1994).

7. Based on the declarations of Jessica Woodbridge, Darren Brenner and Ed Smith, the Court rejects Saticoy Bay's waiver argument to the extent it claims the February 11 email should remain a public record. BANA, not BoNYM, WFZ or Mr. Jung, holds the attorney-client and work product privileges with respect to the February 11 email, and only BANA can waive its privileges with respect to the February 11 email. BANA has not waived its privileges. The record evidence is BANA has maintained the February 11 email's confidentiality, did not authorize WFZ or BoNYM's disclosure or production of the February 11 email in unredacted form, and promptly filed its motion to invoke its privileges.

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8. The Nevada Rules for Sealing and Redacting Court Records 3(1) allow the Court to order "the court files and records, or any part thereof . . . be redacted," provided the redaction is justified by compelling privacy interests outweighing the public interest in access.

9. To protect BANA's privileges, the privileged portions of the February 11 email admitted into evidence (and now in this Court's vault) should be redacted. However, the February 11 email is still properly considered as evidence in this case.

10. Preserving BANA's privileges (which it has not waived) with respect to the February 2011 email outweighs the public's interest in accessing the Court's records. Further, this relief is tailored insofar as it does not remove the e-mail from the record in this case, but preserves the privilege by preventing broader disclosure beyond this case.

11. Since litigation regarding pre-September 1, 2015 NRS chapter 116 foreclosure sales is expected to endure for the foreseeable future, ordering the February 11 email in this Court's vault redacted in perpetuity is the least restrictive way to preserve BANA's privileges.

ORDER

NOW, THEREFORE, IT IS ORDERED as follows:

1. BANA's motion is GRANTED as set forth in this Order; and

2. The Clerk shall replace the original Exhibit 21, page 2 with the redacted copy attached to BANA's motion as Exhibit A. The Clerk shall then seal the original unredacted Exhibit 21, page 2 pursuant to Nevada Rule for Sealing and Redacting Court Records 3(7)'s procedure for maintaining sealed court records; and

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3. This Order shall only apply in this case, in this Division. The Court expresses no opinion at this time on whether the February 2011 email should be redacted in any other proceeding or in any other Court and/or whether any duties may exist under Nevada Rule of Professional Conduct 4.4. Further, nothing in this Order shall be interpreted to prevent Nevada appellate courts from reviewing the February 11 email in any appeal.

IT IS SO ORDERED, this the 4 day of ~~December, 2017.~~ January 2018

JOANNA S. KISHNER

The Honorable Joanna S. Kishner
District Court Judge

Submitted by:

AKERMAN LLP

Janine K. Combs Bar #13088 for

DARREN T. BRENNER, ESQ.
Nevada Bar No. 8386
NATALIE L. WINSLOW, ESQ.
Nevada Bar No. 12125
1160 Town Center Drive, Suite 330
Las Vegas, NV 89144

Attorneys for Bank of America, N.A.

Reviewed by:

MICHAEL F. BOHN, ESQ.
Law Offices of Michael F. Bohn, Esq., Ltd.
376 Warm Springs Road, Suite 140
Las Vegas, Nevada 89119

Attorneys for Saticoy Bay LLC Series
1637 Bent Arrow

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Steven D. Grierson
CLERK OF THE COURT

NEOJ
DARREN T. BRENNER, ESQ.
Nevada Bar No. 8386
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Nevada Bar No. 12125
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Facsimile: (702) 380-8572
Email: darren.brenner@akerman.com
Email: natalie.winslow@akerman.com

Attorneys for Bank of America, N.A.

DISTRICT COURT

CLARK COUNTY, NEVADA

SATICOY BAY LLC SERIES 1637 BENT ARROW, Plaintiff, v. BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2005-27, MORTGAGE PASS-THROUGH CERTIFICATES, 2005-27; AND NATIONAL DEFAULT SERVICING CORPORATION, Defendants.	Case No.: A-14-704418-C Dept.: XXXI **NOTICE OF ENTRY OF ORDER GRANTING BANK OF AMERICA, N.A.'S MOTION TO REDACT AND PREVENT FURTHER USE OF EXHIBIT 21, PAGE 2 IN UNREDACTED FORM**

AKERMAN LLP
1635 Village Center Circle, Suite 200
LAS VEGAS, NEVADA 89134
TEL.: (702) 634-5000 – FAX: (702) 380-8572

Case Number: A-14-704418-C

BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2005-27, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-27,

Counterclaimant,

v.

SATICOY BAY LLC SERIES 1637 BENT ARROW; EL DORADO NEIGHBORHOOD FIRST HOMEOWNERS ASSOCIATION; ASSESSMENT MANAGEMENT SERVICES; DOES I through X; and ROE CORPORATIONS XI through XX, inclusive,

Counter-defendants.

TO: ALL PARTIES OF RECORD AND THEIR COUNSEL:

PLEASE TAKE NOTICE that the Order Granting Bank Of America, N.A.'s Motion To Redact And Prevent Further Use Of Exhibit 21, Page 2 In Unredacted Form has been entered on January 10, 2018, a copy of which is attached hereto.

DATED: January 11, 2018.

AKERMAN LLP

/s/ Natalie L. Winslow, Esq.
DARREN T. BRENNER, ESQ.
Nevada Bar No. 8386
NATALIE L. WINSLOW, ESQ.
Nevada Bar No. 12125
1635 Village Center Circle, Suite 200
Las Vegas, NV 89134

Attorneys for Bank of America, N.A.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Akerman LLP, and that on this 11th day of Janaury, 2018 and pursuant to NRCP 5, I caused to be served a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER GRANTING BANK OF AMERICA, N.A.'S MOTION TO REDACT AND PREVENT FURTHER USE OF EXHIBIT 21, PAGE 2 IN UNREDACTED FORM**, in the following manner:

(ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof & served through the Notice Of Electronic Filing automatically generated by the Court's facilities to those parties listed on the Court's Master Service List.

Michael F. Bohn, Esq. LAW OFFICES OF MICHAEL F. BOHN, ESQ., LTD. 376 Warm Springs Road, Suite 140 Las Vegas, Nevada 89119 *Attorney for Saticoy Bay LLC Series 1637 Bent Arrow*	Edgar C. Smith, Esq. WRIGHT FINLAY & ZAK, LLP 7785 West Sahara Avenue, Suite 200 Las Vegas, Nevada 89117 *Attorney for The Bank of New York Mellon, f/k/a Bank of New York, as Trustee for the Certificateholders of CWALT, Inc., Alternative Loan Trust 2005-27, Mortgage Pass-Through Certificates Series 2005-27*
Aviva Y. Gordon, Esq. GORDON LAW 6655 South Cimarron, Suite 200 Las Vegas, Nevada 89113 *Attorney for Assessment Management Services*	Gregory P. Kerr, Esq. Jordan Butler, Esq. WOLF RIFKIN SHAPIRO SCHULMAN & RABKIN, LLP 3556 East Russell Road, Second Floor Las Vegas, Nevada 89120 *Attorneys for Eldorado Neighborhood First Homeowners Association*

/s/ Allen G. Stephens
An employee of AKERMAN LLP

EXHIBIT A

EXHIBIT A

Electronically Filed
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Steven D. Grierson
CLERK OF THE COURT

ORDR

DARREN T. BRENNER, ESQ.
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Email: natalie.winslow@akerman.com

Attorneys for Bank of America, N.A.

DISTRICT COURT

CLARK COUNTY, NEVADA

SATICOY BAY LLC SERIES 1637 BENT ARROW,

Plaintiff,

v.

BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2005-27, MORTGAGE PASS-THROUGH CERTIFICATES, 2005-27; AND NATIONAL DEFAULT SERVICING CORPORATION,

Defendants.

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Counterclaimant,

v.

SATICOY BAY LLC SERIES 1637 BENT ARROW; EL DORADO NEIGHBORHOOD FIRST HOMEOWNERS ASSOCIATION; ASSESSMENT MANAGEMENT SERVICES; DOES I through X; and ROE CORPORATIONS XI through XX, inclusive,

Counter-defendants.

Case No.: A-14-704418-C

Dept.: XXXI

ORDER GRANTING BANK OF AMERICA, N.A.'S MOTION TO REDACT AND PREVENT FURTHER USE OF EXHIBIT 21, PAGE 2 IN UNREDACTED FORM

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12-28-17 P03:57 IN

Case Number: A-14-704418-C

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FINDINGS OF FACT

1. BANA, as prior servicer for plaintiff Bank of New York Mellon f/k/a The Bank of New York, as Trustee for the Certificateholders of CWALT, Inc., Alternative Loan Trust 2005-27, Mortgage Pass-Through Certificates, Series 2005-27 (**BoNYM**)'s former loan servicer, retained Miles, Bauer, Bergstrom & Winters LLP (**Miles Bauer**) as its counsel in connection with the foreclosure proceedings at issue in this case prior to February 11, 2011.

2. Former Miles Bauer attorney Rock K. Jung sent an email to BANA to provide legal advice on February 11, 2011 at 8:45 a.m. (the **February 11 email**). The February 11 email contains communications between Mr. Jung, as BANA's former counsel, and BANA, made for the purpose of facilitating legal services. The February 11 email also contains Mr. Jung's mental impressions and provides a strategy recommendation to BANA.

3. Per the unrefuted affidavits BANA attached to its motion, in 2015, BANA retained Akerman LLP to facilitate requests for its records held by the Miles Bauer firm. In connection with this representation, and based upon Wright, Finlay & Zak LLP (**WFZ**)'s prior agreement not to disclose any privileged information, Akerman obtained and provided WFZ, as BoNYM's counsel, several documents from Miles Bauer's records, including the February 11 email.

4. The agreement notwithstanding, WFZ, as BoNYM's counsel, disclosed the February 11 email in unredacted form to the parties of record in this case on September 28, 2016 as part of a discovery production. WFZ, as BoNYM's counsel, also stipulated to admitting the February 11 email in unredacted form as page 2 of exhibit 21 at the bench trial this Court conducted in February 2017.

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TEL.: (702) 634-5000 – FAX: (702) 380-8572

5. WFZ attorney Ed Smith submitted an affidavit affirming (1) "The agreement between BANA's counsel and our firm was not followed in this instance because the documents was permitted to be produced and offered in unredacted form. Nor did [BANA] or the Akerman firm know beforehand of the production of the privileged information" and (2) "At no time has [BANA] agreed to disclosure of this correspondence." In addition, Mr. Smith's affidavit confirms WFZ understood the email "would fall within the scope of the attorney-client privilege, and should be redacted, if produced at all," and an attorney no longer with WFZ inadvertently produced the February 11 email in unredacted form. Based on Mr. Smith's unrebutted affidavit, the Court finds WFZ inadvertently disclosed the February 11 email in unredacted form.

6. BANA first discovered WFZ and BoNYM had disclosed the February 11 email in May 2017, when Saticoy Bay or its counsel began disclosing it in other matters. Neither Saticoy Bay nor its counsel obtained BANA's permission prior to republishing the February 11 email. When Akerman learned of the disclosure, it contacted Saticoy Bay's counsel to advise, as far as Akerman knew, BANA did not agree to waive any privileges with respect to the email and demand Saticoy Bay cease further dissemination.

7. Akerman also contacted WFZ immediately upon discovering Saticoy Bay and its counsel had obtained the February 11 email in unredacted form. WFZ initially believed it produced the February 11 email with appropriate privilege redactions, but later advised Akerman it inadvertently disclosed the email in unredacted form. WFZ assured BANA and Akerman it would promptly file a claw back motion.

8. BoNYM, through WFZ, filed a motion to "retract or redact inadvertently disclosed privileged material" on September 7, 2017. The Court denied the motion holding, among other things, BoNYM cannot invoke BANA's privileges with respect to the February 11 email. BANA thereafter filed its motion.

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9. BANA's motion seeks a different form of relief than BoNYM's motion (which the Court denied). BANA requests this Court confirm the February 11 email is privileged, order the privileged portions of the February 11 email redacted, and protect the February 11 email from further use, including (a) expressly confirming Saticoy Bay cannot use it in other cases and (b) ordering Saticoy Bay to take all necessary action to "claw back" the copies it disseminated to others.

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11. The February 11 email became a public record retrievable from this Court's vault after its admission at trial, but does not otherwise appear in this Court's record in unredacted form.

12. The Court considered the February 11 email in entering its findings of fact, conclusions of law and judgment after trial.

CONCLUSIONS OF LAW

1. NRS 49.095 governs the attorney-client privilege. It provides (1) confidential communications, (2) between the lawyer (or representative) and the client (or representative), (3) "[m]ade for the purpose of facilitating the rendition of professional services to the client," are privileged. *Howard v. State*, 291 P.3d 137, 144 (Nev. 2012). A communication is "confidential" if it is "not intended to be disclosed to third persons other than those to whom disclosure is in furtherance of the rendition of professional legal services to the client[.]" NRS 49.055.

2. The portions of the February 11 email redacted on Exhibit A attached to BANA's motion are protected by the attorney-client privilege. All three statutory requirements are met.

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AKERMAN LLP
1160 TOWN CENTER DRIVE, SUITE 330
LAS VEGAS, NEVADA 89144
TEL.: (702) 634-5000 – FAX: (702) 380-8572

3. BANA holds the attorney-client privilege with respect to the February 11 email. NRS NRS 49.095. While counsel can invoke the attorney-client privilege on its behalf, counsel cannot waive BANA's attorney-client privilege. *Manley v. State*, 115 Nev. 114, 121 n.1, 979 P.2d 703, 707 n. 1 (1999). Only BANA can waive its attorney-client privilege. *See id.*

4. NRCP 26(b)(3) sets forth the work product privilege. It is more expansive than the attorney-client privilege because it protects "more than just communications between a client and an attorney." *Wynn Resorts Ltd. v. Eighth Jud. Dist. Court*, 399 P.3d 334, 347 (Nev. 2017). It covers an attorney's mental impressions, conclusions, and legal theories concerning litigation. *Wardleigh v. Second Jud. Dist. Court*, 111 Nev. 345, 357, 891 P.2d 1180, 1188 (1995). To apply, the document must (**1**) be prepared in anticipation of litigation or for trial and (**2**) prepared by or for another party or by or for the other party's representative. *Wynn Resorts Ltd.*, 399 P.3d at 347.

5. The portions of the February 11 email redacted on Exhibit A attached to BANA's motion are protected by the work product privilege as well. The redacted portions set forth Mr. Jung's mental impressions, conclusions and legal theories. In addition, Mr. Jung prepared and delivered the February 11 email to BANA anticipating litigation.

6. Both BANA and Mr. Jung hold the work product privilege with respect to the February 11 email. *Wynn Resorts*, 399 P.3d at 348. Counsel's waiver will not waive the attorney's work product protection, and vice versa, as a result. *In re Grand Jury Proceedings*, 43 F.3d 966, 972 (5th Cir. 1994).

7. Based on the declarations of Jessica Woodbridge, Darren Brenner and Ed Smith, the Court rejects Saticoy Bay's waiver argument to the extent it claims the February 11 email should remain a public record. BANA, not BoNYM, WFZ or Mr. Jung, holds the attorney-client and work product privileges with respect to the February 11 email, and only BANA can waive its privileges with respect to the February 11 email. BANA has not waived its privileges. The record evidence is BANA has maintained the February 11 email's confidentiality, did not authorize WFZ or BoNYM's disclosure or production of the February 11 email in unredacted form, and promptly filed its motion to invoke its privileges.

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8. The Nevada Rules for Sealing and Redacting Court Records 3(1) allow the Court to order "the court files and records, or any part thereof . . . be redacted," provided the redaction is justified by compelling privacy interests outweighing the public interest in access.

9. To protect BANA's privileges, the privileged portions of the February 11 email admitted into evidence (and now in this Court's vault) should be redacted. However, the February 11 email is still properly considered as evidence in this case.

10. Preserving BANA's privileges (which it has not waived) with respect to the February 2011 email outweighs the public's interest in accessing the Court's records. Further, this relief is tailored insofar as it does not remove the e-mail from the record in this case, but preserves the privilege by preventing broader disclosure beyond this case.

11. Since litigation regarding pre-September 1, 2015 NRS chapter 116 foreclosure sales is expected to endure for the foreseeable future, ordering the February 11 email in this Court's vault redacted in perpetuity is the least restrictive way to preserve BANA's privileges.

ORDER

NOW, THEREFORE, IT IS ORDERED as follows:

1. BANA's motion is GRANTED as set forth in this Order; and

2. The Clerk shall replace the original Exhibit 21, page 2 with the redacted copy attached to BANA's motion as Exhibit A. The Clerk shall then seal the original unredacted Exhibit 21, page 2 pursuant to Nevada Rule for Sealing and Redacting Court Records 3(7)'s procedure for maintaining sealed court records; and

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LAS VEGAS, NEVADA 89144
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3. This Order shall only apply in this case, in this Division. The Court expresses no opinion at this time on whether the February 2011 email should be redacted in any other proceeding or in any other Court and/or whether any duties may exist under Nevada Rule of Professional Conduct 4.4. Further, nothing in this Order shall be interpreted to prevent Nevada appellate courts from reviewing the February 11 email in any appeal.

IT IS SO ORDERED, this the 4 day of ~~December, 2017.~~ January 2018

JOANNA S. KISHNER

The Honorable Joanna S. Kishner
District Court Judge

Submitted by:

AKERMAN LLP

Janine K. Combs Bar #13088 for

DARREN T. BRENNER, ESQ.
Nevada Bar No. 8386
NATALIE L. WINSLOW, ESQ.
Nevada Bar No. 12125
1160 Town Center Drive, Suite 330
Las Vegas, NV 89144

Attorneys for Bank of America, N.A.

Reviewed by:

MICHAEL F. BOHN, ESQ.
Law Offices of Michael F. Bohn, Esq., Ltd.
376 Warm Springs Road, Suite 140
Las Vegas, Nevada 89119

Attorneys for Saticoy Bay LLC Series
1637 Bent Arrow

AKERMAN LLP
1160 TOWN CENTER DRIVE, SUITE 330
LAS VEGAS, NEVADA 89144
TEL.: (702) 634-5000 – FAX: (702) 380-8572

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**April 28, 2015**

A-14-704418-C Saticoy Bay LLC Series 1637 Bent Arrow, Plaintiff(s)
vs.
Bank of New York Mellon, Defendant(s)

April 28, 2015 **9:30 AM** **Motion to Dismiss**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Sandra Harrell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES PRESENT: Bohn, Michael F Attorney

JOURNAL ENTRIES

- PLAINTIFF'S MOTION TO DISMISS COUNTERCLAIM

Defense counsel not present. (10:26 am)
Matter trailed. Mr. Bohn will call Defense counsel.
Matter recalled. (10:42 am)
Mr. Bohn states Mr. Nitz had a calendaring error, requests matter be continued one week. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 5/5/15 @ 9:30 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**May 05, 2015**

A-14-704418-C Saticoy Bay LLC Series 1637 Bent Arrow, Plaintiff(s)
vs.
Bank of New York Mellon, Defendant(s)

May 05, 2015 **9:30 AM** **Motion to Dismiss**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Sandra Harrell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES PRESENT:

Bohn, Michael F	Attorney
Smith, Edgar C., ESQ	Attorney

JOURNAL ENTRIES

- Both counsel submitted on the pleadings. Court stated its findings, and ORDERED, Plaintiff's Motion to Dismiss Counterclaim is DENIED WITHOUT PREJUDICE. Ten (10) days from Notice of Entry of Order to answer counterclaim. Defense counsel to prepare the Order, circulating to Plaintiff's counsel for approval as to form and content. Matter SET for Status Check regarding receipt of proposed order.

5/22/15 STATUS CHECK: ORDER (CHAMBERS)

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property **COURT MINUTES** **November 03, 2016**

A-14-704418-C Saticoy Bay LLC Series 1637 Bent Arrow, Plaintiff(s)
vs.
Bank of New York Mellon, Defendant(s)

November 03, 2016 9:00 AM Status Check

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Sandra Harrell

RECORDER: Sandra Pruchnic

REPORTER:

PARTIES PRESENT:

Butler, Jordan J.	Attorney
Gordon, Aviva Y	Attorney
Powers, Eric S.	Attorney
Trippiedi, Adam R.	Attorney

JOURNAL ENTRIES

- STATUS CHECK PURSUANT TO TRIAL ORDER

Upon Court's inquiry, Mr. Powers states a settlement conference would not be helpful. Counsel estimate 5-6 days for trial.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**January 05, 2017**

A-14-704418-C Saticoy Bay LLC Series 1637 Bent Arrow, Plaintiff(s)
vs.
Bank of New York Mellon, Defendant(s)

January 05, 2017 **10:15 AM** **All Pending Motions**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Sandra Harrell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES PRESENT:

Bohn, Michael F	Attorney
Butler, Jordan J.	Attorney
Gordon, Aviva Y	Attorney
Powers, Eric S.	Attorney

JOURNAL ENTRIES

- BANK OF NEW YORK MELLON'S MOTION FOR SUMMARY JUDGMENT:

Matter argued and submitted. Court stated its findings, and ORDERED, motion DENIED WITHOUT PREJUDICE.

PLAINTIFF SATICOY BAY LLC SERIES 1637 BENT ARROW'S MOTION FOR SUMMARY JUDGMENT:
ELDORADO NEIGHBORHOOD FIRST HOMEOWNERS ASSOCIATION'S JOINDER TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT:

Matter argued and submitted. Court stated its findings, and ORDERED, motion and joinder thereto are DENIED WITHOUT PREJUDICE.

Each counsel to prepare their respective orders, circulating to all for approval as to form and content in accordance with EDCR 7.21.

PRE TRIAL CONFERENCE:

Counsel estimate 3 days for trial. COURT ORDERED, matter SET for Trial. Pre trial memo now due 2/8/17.

2/16/17 9:00 AM CALENDAR CALL

2/21/17 11:00 AM BENCH TRIAL #1

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**February 16, 2017**

A-14-704418-C Saticoy Bay LLC Series 1637 Bent Arrow, Plaintiff(s)
vs.
Bank of New York Mellon, Defendant(s)

February 16, 2017 **9:00 AM** **Calendar Call**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Kory Schlitz

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES PRESENT:

Bohn, Michael F	Attorney
Butler, Jordan J.	Attorney
Gordon, Aviva Y	Attorney
Kerr, Gregory P.	Attorney
Powers, Eric S.	Attorney
Smith, Edgar C., ESQ	Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Bohn indicated his office is preparing the exhibits, however there are changes being made to the list as of 3:00 p.m. yesterday afternoon and they have not been completed. Mr. Bohn stated his office is working on preparing seven books, and is hoping to have them completed and a copy to the Court by the end of the day. Ms. Smith informed the Court his party was making the changes to the exhibit list, stating, the changes were being made to avoid duplications. Upon Court's inquiry, Mr. Kerr, Ms. Gordan and Mr. Bohn stated they have all provided he exhibits at the 2.67 conference that were going to be used at trial; Mr. Smith indicated he did not provide all of the documents since they did not have a copy of the promissory note at the time. Upon Court's further inquiry, Ms. Gordon indicated the matter has been settled between Bank of New York Melon and Assessment Management Services, however after the settlement was agreed to, and additional term was added by Bank of New York Melon. Mr. Powers indicated the term was not addressed in the written correspondence, and based upon that term not being agreed to, parities cannot indicated a settlement agreement can be entered into. Mr. Powers provided Depositions to the Court for the

Bench Trial. Colloquy regarding trial schedule, and the non completed settlement between Bank of New York Mellon and Assessment Management Services. Upon Court's inquiry, Ms. Gordan requested the Court hear the issue regarding the settlement previous to the start of trial. Mr. Powers indicated there is a material term that has not been discussed or placed in writing. Court directed parties to file briefs simultaneously by Friday February 17, 2017 12:00 PM. Court further directed parties to submit their exhibits by the end of today.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**February 21, 2017**

A-14-704418-C Saticoy Bay LLC Series 1637 Bent Arrow, Plaintiff(s)
vs.
Bank of New York Mellon, Defendant(s)

February 21, 2017 **11:00 AM** **Bench Trial**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Roshonda Mayfield

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES PRESENT:

Bohn, Michael F	Attorney
Butler, Jordan J.	Attorney
Kerr, Gregory P.	Attorney
Powers, Eric S.	Attorney
Smith, Edgar C., ESQ	Attorney
Trippiedi, Adam R.	Attorney

JOURNAL ENTRIES

- Attorney Powers advised the court of all claims regarding Bank of New York and Assessment Management Services (AMS) being resolved with the exception of the medical claims. The settlement documents should have been faxed over last Friday. However, if the documents were not forwarded to the court defense counsel will resubmit them. Attorney Smith states the settlement terms are confidential. However, AMAS will be DISMISSED WITHOUT PREJUDICE from today's bench trial proceedings. Upon inquiry by the court, all parties WAIVE opening statements being made in trial; parties STIPULATE to witness testimony being subject to recall. Attorney Bohn provided the court clerk with an original document to file. Therefore, the Statement of Stipulated Facts for Trial was FILED IN OPEN COURT. Further, the parties STIPULATE to the following joint exhibits being admitted: Joint Exhibits 1-13, 16-23, 25-35, 37-48, 50, 52-57 and 59-69. Court advised the non appearance of AMAS today is pursuant to the settlement reached and noted on the record by defense counsel. COURT ORDERED, trial will begin in this matter at 1:00 P.M. today. All parties WAIVE opening statements being presented as well as the exclusionary rule being INVOKED.

At the hour of 12:59 P.M. the bench trial begins. EXCLUSIONARY RULE INVOKED. Witness testimony presented (See worksheet). COURT ORDERED, trial in RECESS. At the hour of 2:30 P.M. trial RECONVENED in natural progression. Witness testimony presented (See worksheets). At the hour of 4:42 P.M. COURT ORDERED, trial in RECESS for the day. Trial will start tomorrow at 9:00 A.M. and resume with witness testimony.

2/22/17 9:00 A.M. TRIAL PROGRESSION

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**February 22, 2017**

A-14-704418-C Saticoy Bay LLC Series 1637 Bent Arrow, Plaintiff(s)
vs.
Bank of New York Mellon, Defendant(s)

February 22, 2017 **9:00 AM** **Bench Trial**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Kory Schlitz

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES PRESENT:

Bohn, Michael F	Attorney
Butler, Jordan J.	Attorney
Kerr, Gregory P.	Attorney
Powers, Eric S.	Attorney
Smith, Edgar C., ESQ	Attorney

JOURNAL ENTRIES

- Mr. Smith indicated his eight Counterclaim is for Unjust Enrichment, and is moving to dismiss that claim from this action. There being no opposition, COURT ORDERED eight claim for relief is DISMISSED. Mr. Bohn indicated he closed his case in chief yesterday without moving to admit Exhibit #70, stated these are Defendant's responses to their interrogatories. Mr. Smith inquired about the relevance of the answers as it relates to the case. Mr. Bohn clarified he would move to admit answers #22 and #23 since they are relevant to the case. Colloquy regarding admitting Exhibit #70. Mr. Smith stated no objection to the exhibit being admitted if the Court will only consider the answers of #22, and #23 and nothing else in the document. Mr. Bohn stated no objection. COURT ORDERED, Exhibit #70 ADMITTED.

Testimony and exhibits presented. (See Worksheets.)

EXCLUSIONARY RULE INVOKED.

Court recessed for the evening and directed parties to return tomorrow.

BENCH TRIAL CONTINUED TO: 22/23/17 10:30 A.M.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**February 23, 2017**

A-14-704418-C Saticoy Bay LLC Series 1637 Bent Arrow, Plaintiff(s)
vs.
Bank of New York Mellon, Defendant(s)

February 23, 2017 **10:30 AM** **Bench Trial**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Kory Schlitz

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES PRESENT:

Bohn, Michael F	Attorney
Kerr, Gregory P.	Attorney
Powers, Eric S.	Attorney
Smith, Edgar C., ESQ	Attorney
Trippiedi, Adam R.	Attorney

JOURNAL ENTRIES

- Colloquy regarding additional exhibits provided to the Court. Closing argument by Mr. Bohn, Mr. Smith, and Mr. Kerr. Court advised the decision will be deferred to the Chambers calendar and directed parties to prepare an amended proposed Findings of Fact & Conclusions of Law by March 20, 2017, end of business. COURT ORDERED, matter SET for Chambers Calendar for decision. COURT SO ORDERED, any exhibits that were either not offered or offered and not admitted are to be returned to counsel. Court advised the exhibits can be held for up to two-weeks, however if not picked up it will be considered abandoned property thereafter.

4/7/17 3:00 A.M. DECISION (CHAMBERS)

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**June 02, 2017**

A-14-704418-C Saticoy Bay LLC Series 1637 Bent Arrow, Plaintiff(s)
vs.
Bank of New York Mellon, Defendant(s)

June 02, 2017 **3:00 AM** **Decision**

HEARD BY: Kishner, Joanna S. **COURTROOM:**

COURT CLERK: Michelle Jones

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Continued to June 16, 2017 in Chambers

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property **COURT MINUTES** **June 16, 2017**

A-14-704418-C Saticoy Bay LLC Series 1637 Bent Arrow, Plaintiff(s)
vs.
Bank of New York Mellon, Defendant(s)

June 16, 2017 **3:00 AM** **Decision** **Re: Bench Trial**

HEARD BY: Kishner, Joanna S. **COURTROOM:** Chambers

COURT CLERK: Alan Castle

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- CONTINUED FOR FURTHER CONSIDERATION

CONTINUED TO:
06/30/17 (Chambers)

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**June 30, 2017**

A-14-704418-C Saticoy Bay LLC Series 1637 Bent Arrow, Plaintiff(s)
vs.
Bank of New York Mellon, Defendant(s)

June 30, 2017 **3:00 AM** **Decision**

HEARD BY: Kishner, Joanna S. **COURTROOM:** Chambers

COURT CLERK: Kory Schlitz

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED THREE WEEKS.

CONTINUE TO: 7/21/17 CHAMBERS

CLERK'S NOTE: Counsel is to ensure a copy of the foregoing minute order is distribute to all interested parties; additionally, a copy of the foregoing minute order was electronically served to all parties. (6-30-17 ks)

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**July 21, 2017**

A-14-704418-C Saticoy Bay LLC Series 1637 Bent Arrow, Plaintiff(s)
vs.
Bank of New York Mellon, Defendant(s)

July 21, 2017 **3:00 AM** **Decision**

HEARD BY: Kishner, Joanna S. **COURTROOM:**

COURT CLERK: Tena Jolley

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- See Findings of Fact, Conclusion of Law and Judgment filed 9/29/17.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**October 10, 2017**

A-14-704418-C Saticoy Bay LLC Series 1637 Bent Arrow, Plaintiff(s)
vs.
Bank of New York Mellon, Defendant(s)

October 10, 2017	**9:00 AM**	**Motion to Seal/Redact Records**	**Bank of New York Mellon's Motion to Retract or Redact Inadvertently Disclosed Privileged Material**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: April Watkins

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT:

Bohn, Michael F	Attorney
Butler, Jordan J.	Attorney
Smith, Edgar C., ESQ	Attorney

JOURNAL ENTRIES

- Court stated she has Exhibit #21, bate stamped 441, from the trial that was heard. Further, it is a joint exhibit and stipulated to by all per transcript from the trial. Additionally, no one told the Court there was a privilege log, no one has told the Court when this document became into existence, there was a privilege log even in the redacted version. Looking at the e-mails provided to the Court, there appears to be some confusion whether or not it was produced in a redacted form or un-redacted form but no one has provided a privilege log to show that the redactions were subject to some privilege log which would of been necessary. Mr. Smith argued Rock Jung is not the holder of the privilege even though he worked for the Miles Bower firm. Court noted Bank of America is holder of the privilege. Further, Mr. Smith stated document came in through Miles Bowers agreement to send over to counsel's firm certain documents related to issues around tender as they relate to the HOA lien cases. Miles Bower firm had stored records, transferred them to the Akerman firm and the Akerman firm

transferred them to counsel. Colloquy. In fact, Akerman firm did tell people in counsel's firm that the privilege should be asserted when necessary. This document was not discussed until after the trial. Additionally, Bank of America is not a party to the case. Not sure if they would of had to intervene or if the Court would of granted them leave to present argument today that the privilege was not waived. Further, Mr. Smith argued privilege is not waived simply because you do not present a privilege log and if the holder of the privilege is the client and not the attorney, attorney's failure to do so cannot constitute waiver of the privilege, only the client can waive the privilege. NRCP 4.4(b) requires opposing counsel to notify counsel who produced the documents that counsel has received privileged information and that did not happen. Document was produced on August 10, 2015, produced in a un-redacted form and no record of that being brought to counsel's attention until time of trial. Counsel agrees with the Court that the document was referred to when examining Mr. Jung. Court noted date motion was filed and inquired how is Bank of America asserting privilege. Mr. Smith stated first effort was to try to reach agreement with opposing counsel on voluntarily withdrawing document for use in other cases which did not happen and motion was prepared. Colloquy. Mr. Bohn argued no affidavit from anyone from Akerman file, Miles Bower firm or Bank of America to show how this e-mail got around, there is no evidence of that and the burden is on the party seeking to invoke the privilege. As to timeliness issue again when this was admitted at trial and in February, counsel consulted with other attorney's, did some research and determined this was now a public document that could be disclosed which counsel has disclosed in a number of other tender cases involving the Akerman law firm and that is what started e-mail chain on May 18th. Further, no one filed any motions, counsel did not receive any further correspondence, telephone calls, e-mails and nothing from the Akerman law firm until in the other case with Akerman law firm in front of Judge Wiese about a month ago, counsel proposed admitting the document and that is when all of this started. Judge Wiese ruled it was a public document because it came into trial and was not admitted until proper foundation was laid. Mr. Butler submitted. Court FINDS movant has not met burden, added timeliness aspect and ORDERED, motion DENIED. Court does not have anything from the actual holder of the privilege that they think this is a privileged document.

Pltf's counsel to prepare the order and circulate to all counsel.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**November 14, 2017**

A-14-704418-C Saticoy Bay LLC Series 1637 Bent Arrow, Plaintiff(s)
vs.
Bank of New York Mellon, Defendant(s)

November 14, 2017 9:00 AM All Pending Motions

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Kristen Brown

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT:

Kerr, Gregory P.	Attorney
Smith, Edgar C., ESQ	Attorney
Trippiedi, Adam R.	Attorney

JOURNAL ENTRIES

- DEFT. AND COUNTER-CLAIMANT BANK OF NEW YORK MELLON, AS TRUSTEE'S MOTION TO (1) DEFER RULING ON AN AWARD OF COSTS; (2) TAX COSTS AS TO COUNT-DEFT. ELDORADO NEIGHBORHOOD FIRST HOMEOWNERS ASSOCIATION: Colloquy between Court and counsel regarding consolidating the motions to be heard on November 28, 2017. Mr. Smith stated that he will not be available on November 28, 2017 COURT ORDERED, Motion CONTINUED as well as the Motion for Attorney's Fees and Motion to Redact to December 5, 2017.

DEFT. AND COUNTER-CLAIMANT BANK OF NEW YORK MELLON, AS TRUSTEE'S MOTION TO ALTER OR AMEND JUDGMENT AND FINDINGS OF FACT AND CONCLUSIONS OF LAW PURSUANT TO NRCP 52 AND NRCP 59: Arguments by counsel. Court stated it findings and ORDERED, Motion DENIED and prior ruling AFFIRMED. Court DIRECTED Mr. Trippiedi to prepare the Order, circulate it to all parties and to the Court in accordance with EDCR 7.21.

12/05/17 10:00 AM DEFT. AND COUNTER-CLAIMANT BANK OF NEW YORK MELLON, AS TRUSTEE'S MOTION TO (1)
DEFER RULING ON AN AWARD OF COSTS; (2) TAX COSTS AS TO COUNT-DEFT. ELDORADO

NEIGHBORHOOD
FIRST HOMEOWNERS ASSOCIATION...COUNTER-DEFT. ELDORADO NEIGHBORHOOD FIRST HOMEOWNERS
ASSOCIATION'S MOTION FOR ATTORNEY'S FEES

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property	**COURT MINUTES**	**December 05, 2017**

A-14-704418-C Saticoy Bay LLC Series 1637 Bent Arrow, Plaintiff(s)
vs.
Bank of New York Mellon, Defendant(s)

December 05, 2017 10:00 AM All Pending Motions

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Aja Brown

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT:

Bohn, Michael F	Attorney
Kerr, Gregory P.	Attorney
Smith, Edgar C., ESQ	Attorney

JOURNAL ENTRIES

- DEFENDANT AND COUNTER-CLAIMANT BANK OF NEW YORK MELLON, AS TRUSTEE'S MOTION TO (1) DEFER RULING ON AN AWARD OF COSTS; (2) TAX COSTS AS TO COUNTER-DEFENDANT ELDORADO NEIGHBORHOOD FIRST HOMEOWNERS ASSOCIATION...COUNTER-DEFENDANT ELDORADO NEIGHBORHOOD FIRST HOMEOWNERS ASSOCIATION'S MOTION FOR ATTORNEY'S FEES...BANK OF AMERICA, N.A.'S MOTION TO REDACT AND PREVENT FURTHER USE OF EXHIBIT 21, PAGE 2 IN UNREDACTED FORM

Darren Brenner, Esq., on behalf of Bank of America, also present.

Arguments by Mr. Kerr, Mr. Smith and Mr. Brenner. Colloquy regarding receipts. COURT ORDERED, Briefing Schedule SET as follows: Plaintiff to provide all receipts to Defense counsel by 12/8/17, Defendant's Objection to any Costs Due by 12/15/17, Plaintiff's Reply due by 12/20/17, matter SET on the Chambers Calendar. As to Bank of New York Mellon's Motion to Defer Ruling on an Award of Costs and Eldorado Neighborhood First Homeowners Association's Motion for Attorney's Fees, COURT FURTHER ORDERED, ruling DEFERRED. As to the Motion to Redact and

Prevent Further Use of Exhibit 21, COURT STATED ITS FINDINGS and ORDERED, Motion GRANTED IN PART; Exhibit 21 SEALED pursuant to Nevada Supreme Court Rule 3. Court noted Exhibit 21 may not be viewed without order of the Court. Court further noted Department 31 shall be notified of any requests to view said Exhibit. Court directed Mr. Brenner to prepare the order.

12/22/17 CHAMBERS CALENDAR

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property **COURT MINUTES** **December 22, 2017**

A-14-704418-C Saticoy Bay LLC Series 1637 Bent Arrow, Plaintiff(s)
vs.
Bank of New York Mellon, Defendant(s)

December 22, 2017 3:00 AM Motion

HEARD BY: Kishner, Joanna S. **COURTROOM:**

COURT CLERK: Tena Jolley

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- See Order filed 12/29/17.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property **COURT MINUTES** **December 22, 2017**

A-14-704418-C Saticoy Bay LLC Series 1637 Bent Arrow, Plaintiff(s)
vs.
Bank of New York Mellon, Defendant(s)

December 22, 2017 3:00 AM Motion for Attorney Fees

HEARD BY: Kishner, Joanna S. **COURTROOM:**

COURT CLERK: Tena Jolley

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- See Order filed 12/29/17.

EXHIBIT(S) LIST

Case No.: **A-14-704418-C**

Dept. No.: **XXI**

Plaintiff: **SATICOY BAY LLC SERIES 1637 BENT ARROW**

vs.

Defendant: **BANK OF NEW YORK MELLON**

Trial Date: 2/21/17

Judge: Joanna Kishner

Court Clerk: Roshonda Mayfield / Kory Schlitz

Reporter: Rachelle Hamilton

Counsel for Plaintiff: Michael Bohn + Adam Trippiedi

Counsel for Defendant: Edgar Smith + Eric Powers

TRIAL BEFORE THE COURT

JOINT EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
	See attached			

Printed February 22, 2017

2-21-17

JOINT TRIAL EXHIBIT LIST – CASE NO. A-14-704418-C

SATICOY BAY LLC SERIES 1637 BENT ARROW v. BANK OF NEW YORK MELLON, ET AL.

#	Description	Date Offered	Obj	Date Admitted
1.	CC&R's, dated March 28, 1990 [HOA000557-620]	2-21-17	stip	2-21-17
2.	Deed of Trust, dated April 28, 2005 [BONY0035-0060]			
3.	Eldorado's Proposed 2009 Budget, [HOA000654]			
4.	Collection Agreement, dated April 13, 2009 [HOA000634-643]			
5.	Trustee's Sale Guarantee, dated November 12, 2010 [HOA000037-47]			
6.	Delinquent Notice to Edgar Venegas, dated November 13, 2009, including proof of mailing [TX-AMS000006-9]			
7.	Letter regarding Notice of Claim of Delinquent Assessment Lien, dated December 30, 2009, including proof of mailing [TX-AMS000014-20]			
8.	Eldorado's Proposed 2010 Budget, [HOA000655]			
9.	Notice of Claim of Delinquent Assessment Lien, recorded January 07, 2010 [BONY0085]			
10.	Proof of Mailing of Notice of Claim of Delinquent Assessment Lien recorded January 07, 2010, and attached letter [BENT000001-000007]			
11.	Delinquent Notice to Edgar Venegas, dated March 15, 2010, and proof of mailing [TX-AMS000024-27]			
12.	Executive Session Minutes, dated September 14, 2010 [HOA000644-646]			
13.	Notice of Default and Election to Sell, recorded November 12, 2010 [BONY0086]	2-21-17	stip	2-21-17
14.	Proof of Mailing of Notice of Default and Election to Sell recorded November 12, 2010, and attached letter [BENT000008-000025] pg 8,9,10 Removed	2/22/17	yes	2/22/17 partial
15.	AMS Notice of Default to MERS, dated November 19, 2010 [BONY0004] Returned to Counsel			
16.	Miles Bauer letter to Edgar Venegas, dated December 21, 2010 [BONY0001-0002]	2-21-17	stip	2-21-17
17.	Miles Bauer letter to Eldorado HOA, dated December 21, 2010 [BONY0005-0006]			
18.	Email exchanges with BOA and counsel, dated January 11, 2011 [BONY0446-0450]			
19.	Email exchange with BAC and Foreclosure Finance, dated January 13, 2011 [BONY0192-0195]			
20.	Miles Bauer letter to AMS, dated January 21, 2011 [BONY0010-0016]			
21.	Email exchanges with BOA and counsel, dated February 9, 2011 [BONY0441-0442]			
22.	Assignment of Deed of Trust, dated March 15, 2012 [BONY0061-0062]			
23.	SPS letter to Edgar Venegas re: service transfer, dated October 10, 2012 [BONY0239-0242]	2-21-17	stip	2-21-17
24.	Final Notice Prior to Setting the Sale Date to Countrywide Bank, dated November 1, 2012 [TX-AMS000196-201]	Returned		to Counsel
25.	Final Notice to Setting the Sale Date to MERS, dated November 1, 2012 [BONY0199-0204]	2-21-17	stip	2-21-17
26.	Email exchange regarding request for super priority amount, dated December 5, 2012 [TX-AMS000303]			
27.	Greenberg Traurig request for payoff amount, dated December 5, 2012 [TX-AMS000305-312]			
28.	Authorization to Publish Notice of Sale, dated March 28, 2013 [TX-AMS000320-321]			

#	Description	Date Offered	Obj	Date Admitted
29.	Edgar Venegas letter to SLS, dated August 1, 2013 [BONY0295]	2-21-17	STIP	2-21-17
30.	Substitution of Trustee, dated August 14, 2013 [TX-PLA000014]			
31.	Terra West Schedule of Fees, effective October 1, 2013 [HOA000632]			
32.	Assessment Collection Policy, dated November 12, 2013 [HOA000626-631]			
33.	Executive Session Minutes, dated November 12, 2013 [HOA000647-649]			
34.	Residential Purchase Agreement, dated December 13, 2013 [BONY0245-0259]			
35.	Notice of Foreclosure Sale, recorded December 17, 2013 [BONY0087-0088]	2-21-17	STIP	2-21-17
36.	Proof of Mailing of Notice of Foreclosure Sale recorded December 17, 2013, and attached letters [HOA000350-536] 350-363 only admitted	2/22/17	yes	2/22/17
37.	Affidavits of Posting and Publishing of Notice of Foreclosure Sale [BENT000026-000030]	2-21-17	STIP	2-21-17
38.	Assessment Management Services' Fee Schedule, dated January 2014 [HOA000633]			
39.	Wardley Real Estate email to Short Sale, dated January 2, 2014 [BONY0243-0244]			
40.	Certificate of Postponement, dated January 10, 2014 [HOA000523]			
41.	SLS letter to Edgar Venegas, dated January 14, 2014 [BONY0268-0270]			
42.	AMS letter to Wardley Real Estate, dated January 22, 2014 [BONY0275]			
43.	Wardley Real Estate letter to Eldorado HOA, dated February 4, 2014 [BONY0283]			
44.	Email exchanges with Wardley Real Estate and SPS, dated February 4, 2014 [BONY0401-0416]			
45.	SLS letter to Edgar Venegas, dated February 6, 2014 [BONY0178-0182]			
46.	Certificate of Postponement, dated February 10, 2014 [HOA000524]			
47.	Email exchanges regarding foreclosure sale date, dated March 6, 2014 [TX-AMS000545-551]			
48.	Certificate of Postponement, dated March 10, 2014 [HOA000525]	2-21-17	STIP	2-21-17
49.	Email exchanges with SPS and BOA, dated March 27, 2014 [BONY0399-0400]	Return to		Counsel
50.	Certificate of Sale, dated March 28, 2014 [HOA000530]	2-21-17	STIP	2-21-17
51.	SPS letter to Edgar Venegas, dated March 28, 2014 [BONY0417-0428]			
52.	AMS Property Ledger from 04/30/08 – 04/01/14, [HOA000550-556]	2-21-17	STIP	2-21-17
53.	Trustee's Deed Upon Sale, dated April 2, 2014 [BONY0091-0093]			
54.	Release of Notice of Delinquent Assessment Lien, dated April 4, 2014 [BONY0089]			
55.	Account History Report, last payment date April 4, 2014 [HOA000650-653]			
56.	Notice of Default and Election to Sell Under Deed of Trust, dated June 30, 2014 [BONY0064-0072]			
57.	Miles, Bauer, Bergstrom & Winters, LLP correspondence received by AMS dated December 21, 2010 [HOA 0067-72]	2-21-17	STIP	2-21-17
58.	Notice of Default, Correspondence, and ledger dated November 1, 2012 [HOA 00124-128]	Return to		Counsel
59.	Email Correspondence to Greenburg Taurig dated December 5, 2012 and Request for Super-Priority Amount [HOA 283-292]	2-21-17	STIP	2-21-17
60.	Eldorado Neighborhood First HOA Assessment Collection Policy [HOA 626-637]			

#	Description	Date Offered	Obj	Date Admitted
61.	AMS Agreement [HOA 634-643]	2-21-17	stip	2-21-17
62.	Board Meeting Minutes [HOA 644-649]			
63.	Affidavit of Douglas Miles dated September 7, 2016 [BONY 00418-425]			
64.	Second Affidavit of Douglas Miles dated September 7, 2016 [BONY00426-440]			
65.	Appraisal of Real Property Located at 1637 Bent Arrow Drive w/ Exhibits [BONY 00429-453]			
66.	Appraiser Resume [BONY 00454-457			
67.	Scott Dugan Attorney Workload report [BONY 458]			
68.	Scott Dugan Fee Schedule [BONY 00459]			
69.	Promissory Note and Endorsements	2-21-17	stip	2-21-17
70.	Bank of New York Mellon's Answers to Plaintiff's First Set of Interrogatories served on November 16, 2016	2/22/17	no	2/22/17
71.	Letter from NAS	2/23/17	stip	2/23/17

EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE

NOTICE OF DEFICIENCY

ON APPEAL TO NEVADA SUPREME COURT

MICHAEL F. BOHN, ESQ.
376 E. WARM SPRINGS RD., STE. 140
LAS VEGAS, NV 89119

DATE: February 7, 2018
CASE: A-14-704418-C

RE CASE: SATICOY BAY LLC SERIES 1637 BENT ARROW vs. BANK OF NEW YORK MELLON fka THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2005-27, MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2005-27; NATIONAL DEFAULT SERVICING CORPORATION

NOTICE OF APPEAL FILED: February 5, 2018

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

☒ $250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
- If the $250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.

☐ $24 – District Court Filing Fee (Make Check Payable to the District Court)**

☒ $500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
- NRAP 7: Bond For Costs On Appeal in Civil Cases

☐ Case Appeal Statement
- NRAP 3 (a)(1), Form 2

☐ Order

☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

> "The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

***Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

Certification of Copy

State of Nevada
County of Clark } **SS:**

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING BANK OF AMERICA, N.A.'S MOTION TO REDACT AND PREVENT FURTHER USE OF EXHIBIT 21, PAGE 2 IN UNREDACTED FORM; NOTICE OF ENTRY OF ORDER GRANTING BANK OF AMERICA, N.A.'S MOTION TO REDACT AND PREVENT FURTHER USE OF EXHIBIT 21, PAGE 2 IN UNREDACTED FORM; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

SATICOY BAY LLC SERIES 1637 BENT ARROW,

Plaintiff(s),

vs.

BANK OF NEW YORK MELLON fka THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2005-27, MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2005-27; NATIONAL DEFAULT SERVICING CORPORATION,

Defendant(s),

Case No: A-14-704418-C

Dept No: XXXI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 7 day of February 2018.

Steven D. Grierson, Clerk of the Court

Heather Ungermann, Deputy Clerk