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Electronically Filed
May 12 2014 12:15 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

7 SUPREME COURT
8 STATE OF NEVADA
9

10 SHADOW WOOD HOMEOWNERS
11 ASSOCIATION, INC., and GOGO WAY
TRUST,

No. 63180

12 Appellants,

13 vs.

14 NEW YORK COMMUNITY BANK,

15 Respondent.
16

17 **MOTION TO CONSOLIDATE CASES ON APPEAL**
18

19 Defendant/appellant Gogo Way Trust, by and through it's attorney, Michael F. Bohn, Esq., moves
20 this court to consolidate the above-captioned appeal with the consolidated appeals in case numbers 64410
21 and 64512. This motion is based upon the points and authorities contained herein.

22 **POINTS AND AUTHORITIES**

23 The plaintiff/respondent, New York Community Bank, commenced the underlying lawsuit in the
24 district court on April 18, 2012. The complaint sought quiet title and declaratory relief that respondent
25 NYCB remained the owner of the real property commonly known as 2923 Gogo Way #109, Las Vegas,
26 Nevada following an HOA foreclosure sale by Shadow Wood Homeowners' Association on February 22,
27 2012 pursuant to NRS Chapter 116. At the public auction, Gogo Way Trust was the high bidder and paid
28 the bid amount of \$11,018.39 in cash for the property. Gogo Way Trust filed and answer and

1 counterclaim seeking declaratory relief and quiet title determining that title to the property was vested
2 in Gogo Way.

3 Plaintiff filed a motion for summary judgment, which was granted by the court on April 10, 2013.
4 Defendants filed their notice of appeal from this order on May 7, 2013. This appeal was assigned Case
5 No. 63180. This appeal has been fully briefed and is awaiting this Court's decision.

6 On May 9, 2013, NYCB filed plaintiff's motion for attorney's fees pursuant to NRS 18.010 and
7 NRCF 54 seeking an award of \$36,810.00 in attorney's fees. On October 9, 2013, the district court
8 entered a judgment granting NYCB's motion and awarding NYCB a judgment for \$41,130.00 against
9 the HOA and Gogo Way. Gogo Way filed its notice of appeal from this judgment on November 8, 2013
10 (Case No. 64410), and the HOA filed its notice of appeal from this judgment on December 2, 2013 (Case
11 No. 64512). An order consolidating these two appeals was entered on February 11, 2014. Opening Briefs
12 by the appellants in these cases are due on May 12, 2014.

13 Plaintiff/appellant now moves to consolidate all three of these cases because they all arise from
14 the same district court case.

15 It is respectfully submitted that the granting of the motion to consolidate would promote judicial
16 economy and save the parties duplicative expenses and efforts.

17 DATED this 12th day of May 2014.

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19 MICHAEL F. BOHN, ESQ., LTD.

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21 By: /Michael F. Bohn, Esq. /
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1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that on the 5th day of May 2014, I served a photocopy of
3 the foregoing **MOTION TO CONSOLIDATE** by placing the same in a sealed envelope with
4 first-class postage fully prepaid thereon and deposited in the United States mails addressed as
5 follows:

6 Brad D. Bace, Esq.
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10 /s/ Esther Maciel-Thompson/
11 An Employee of the LAW OFFICES OF
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