

1 DAVID A. HUBBERT
Acting Assistant Attorney General

KIM GILBERT EBRON

2 E. CARMEN RAMIREZ
3 TY HALASZ
Trial Attorneys, Tax Division
4 U.S. Department of Justice
P.O. Box 683
5 Washington, D.C. 20044
T: (202) 616-2885 (Ramirez)
6 T: (202) 307-6484 (Halasz)
F: (202) 307-0054
7 E.Carmen.Ramirez@usdoj.gov
Ty.Halasz@usdoj.gov
8 Western.Taxcivil@usedoj.gov

DIANA S. EBRON (Nev. Bar 10580)
JACQUELINE GILBERT (Nev. Bar 10593)
7625 Dean Martin Drive, Ste. 110
Las Vegas, Nevada 89139
Counsel for SFR Investments Pool 1, LLC

LIPSON NEILSON, COLE, SELTZER & GARIN, P.C.

J. WILLIAM EBERT (Nev. Bar 2697)
JANEEN V. ISAACSON (Nev. Bar 6429)
9900 Covington Cross Dr., Ste. 120
Las Vegas, Nevada 89144

9 *Counsel for the United States of America*

Counsel for Anthem Country Club Community Association

10 WRIGHT, FINLAY & ZAK, LLP

11 Darren T. Brenner (Nev. Bar 8386)
Jory C. Garabedian (Nev. Bar 10352)
12 7785 W. Sahara Ave, Suite 200
Las Vegas, NV 89117
13 (702) 475-7964; Fax: (702) 946-1345
dbrenner@wrightlegal.net

14 *Counsel for Rocktop Partners, LLC; and*
15 *Wilmington Savings Fund Society, FSB, as*
Trustee of Stanwich Mortgage Loan Trust A

16 IN THE UNITED STATES DISTRICT COURT
17 FOR THE DISTRICT OF NEVADA

18 ROCKTOP PARTNERS, LLC; and)
WILMINGTON SAVINGS FUND SOCIETY,)
19 FSB, as Trustee of Stanwich Mortgage Loan)
Trust A,)

Case No. 2:17-cv-00604-RFB-BNW
consolidated with
Case No. 2:17-cv-00916-KJD-BNW

20 Plaintiffs,

21 v.

22 SFR INVESTMENTS POOL 1, LLC, a
23 Nevada limited liability company; and
24 ANTHEM COUNTRY CLUB COMMUNITY,
ASSOCIATION, a Nevada nonprofit
25 corporation,

) **JOINT MOTION BY THE**
) **ACTIVELY LITIGATING PARTIES**
) **TO EXTEND COURT'S**
) **DEADLINES TO FACILITATE**
) **EFFORTS TO COMPROMISE**
) **AND [PROPOSED] ORDER**
) **(FOURTH JOINT REQUEST**
) **UNDER CURRENT SCHEDULING**
) **ORDER)**

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Defendants.

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEON BENZER; SFR INVESTMENTS POOL
1, LLC; ROCKTOP PARTNERS, LLC;
WILMINGTON SAVINGS FUND SOCIETY,
FSB, as Trustee of Stanwich Mortgage Loan
Trust A; ANTHEM COUNTRY CLUB
COMMUNITY ASSOCIATION;
REPUBLIC SILVER STATE DISPOSAL INC.,
and INDEMNITY COMPANY OF
CALIFORNIA,

Defendants.

ROCKTOP PARTNERS, LLC; and
WILMINGTON SAVINGS FUND SOCIETY,
FSB, as Trustee of Stanwich Mortgage Loan
Trust A,

Cross-Claimants,
Counter-Claimants,

v.

UNITED STATES OF AMERICA; LEON
BENZER, an individual; SFR INVESTMENTS
POOL 1, LLC, a Nevada limited liability
company; and ANTHEM COUNTRY CLUB
ASSOCIATION, a Nevada corporation,

Cross-Defendants,
Counter-Defendants.

1 The Court has permitted discovery to be re-opened for a limited purpose and set an
2 expedited briefing schedule to resolve any discovery disputes. The litigating parties have been
3 discussing a settlement. The parties are continuing to negotiate and have made progress in their
4 settlement talks, but there are several logistical issues that must be worked through.

5 Therefore, Anthem Country Club Community Association (“Anthem”), SFR Investments
6 Pool 1, LLC (“SFR”), Rocktop Partners LLC (“Rocktop”) and Wilmington Savings Fund
7 Society, FSB, as Trustee of Stanwich Mortgage Loan Trust A (“Wilmington”, the Rocktop, “the
8 loan holders”) and the United States¹ jointly move the Court for an order extending the discovery
9 deadline, including the deadlines for bringing discovery motions, from November 22, 2021, to
10 December 22, 2021, and to extend the deadline dispositive motions from December 22, 2021, to
11 January 21, 2022, i.e., 30 days for each.

12 **MEMORANDUM OF POINTS AND AUTHORITIES**

13 On December 20, 2020, the Court ordered that discovery be re-opened, in light of new
14 issues that arose after most discovery had closed. (ECF No. 342 at 19.) Discovery is currently
15 set to close November 22, 2021. (ECF No. 391.) At present, the open discovery primarily
16 concerns: 1) disputes over the loan holders’ written responses to the United States’ most recent
17 discovery requests; and 2) a Rule 30(b)(6) deposition that the United States seeks to take of the
18 loan holders. The United States had planned to take the deposition after the written discovery
19 responses were completed and issues resolved. However, the United States and the loan holders
20 were attempting to resolve discovery disputes without further motions practice. These
21 discussions grew into more global settlement discussions with the other litigating parties, and all
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25 ¹ None of the other named parties are actively litigating.

1 litigating parties believe their resources are best directed to fully exploring a resolution to the
2 overall dispute.

3 There are of course many issues to be resolved in reaching a global settlement among
4 five litigating parties, especially when the dispute centers on seven-figure property. As the
5 parties previously reported (ECF No. 390), they had been exploring an agreement under which
6 the property would be sold and the proceeds allocated among them. The loan holders and SFR
7 used the time granted under previous extensions to interview a number of real estate
8 agents/brokers about listing and marketing the property and their initial opinions on estimated
9 value. They had narrowed down the list of agents/brokers to one leading candidate, who
10 recommended some moderate repairs to maximize the property's estimated value. The parties
11 had also been discussing how to allocate the sales proceeds. They were also investigating the
12 presence of other potential liens on the property and negotiating how such liens might be
13 resolved, as might be required to convey clean title to a third party.

14 Since the prior extension was granted, SFR has continued to seek additional broker price
15 opinions (aka "BPOs"). Due to uncertainties in the market, concerns about the price of repairs to
16 the property, and other factors, the parties are now discussing a settlement where the property
17 would *not* be sold to a third party, and the parties would instead settle their disputes with each
18 other for cash payments. Negotiations have been extended in part because one of the parties is
19 working with a new insurance company that may ultimately be responsible for a portion of the
20 payments, and counsel has not had prior dealings with the company.

21 While there is still more than a month before the discovery cutoff, the parties would need
22 to use that time to prepare any motions regarding the discovery objections, and take the
23 outstanding Rule 30(b)(6) deposition of the loan holders. Preparing a representative from the
24 loan holders and conducting a multi-party deposition are time consuming and costly enterprises,
25 and the parties wish to spend the time focused on a resolution if at all possible.

1 The parties continue to believe a resolution is possible, and thus request a further
2 extension of 30 days to work through these and other issues. The request is not to create undue
3 delay, but to explore settlement of their title disputes more globally and, if a resolution is not
4 possible, allow the parties to streamline the potential discovery disputes, and narrow the scope of
5 the previously-noticed deposition.

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1 WHEREFORE, the undersigned respectfully request that the Court extend discovery
2 deadlines, including the deadlines for bringing motions concerning the pending objections to the
3 United States' written discovery requests, as well as the dispositive motion deadline, by 30 days.
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5 DATED October 19, 2021

6 Respectfully submitted,

7 LIPSON, NEILSON, COLE, SELTZER & GARIN,
P.C.

KIM GILBERT EBRON

8 By: /s/ Janeen V. Isaacson
9 J. William Ebert (Nev. Bar No. 2697)
Janeen V. Isaacson (Nev. Bar No. 6429)
10 9900 Covington Cross Dr., Ste. 120
Las Vegas, Nevada 89144

By: /s/ Diana S. Ebron
Diana S. Ebron (Nev. Bar No. 10580)
Jacqueline Gilbert (Nev. Bar No. 10593)
7625 Dean Martin Drive, Ste. 110
Las Vegas, Nevada 89139

11 *Counsel for Anthem Country Club
Community Association*

Counsel for SFR Investments Pool 1, LLC

12 DAVID A. HUBBERT
13 Acting Assistant Attorney General

14 By: /s/ E. Carmen Ramirez
E. Carmen Ramirez
15 Trial Attorney, Tax Division
U.S. Department of Justice
16 P.O. Box 683
Washington, DC 20044

17 *Counsel for the United States*

18 WRIGHT, FINLAY & ZAK, LLP

19 By: /s/ Jory C. Garabedian
Darren T. Brenner (Nev. Bar 8386)
20 Jory C. Garabedian (Nev. Bar 10352)
7785 W. Sahara Ave, Suite 200
21 Las Vegas, NV 89117
(702) 475-7964; Fax: (702) 946-1345
22 dbrenner@wrightlegal.net

IT IS SO ORDERED:



UNITED STATES MAGISTRATE JUDGE
Signed the 20th of October, 2021

23 *Counsel for Rocktop Partners, LLC; and
24 Wilmington Savings Fund Society, FSB,
as Trustee of Stanwich Mortgage Loan
Trust A*

1 **CERTIFICATE OF SERVICE**

2 IT IS HEREBY CERTIFIED that service of the foregoing is made this October 19, 2021,
3 via the Court's ECF system to all current parties who have appeared electronically. Defendant
4 Leon Benzer has defaulted. However, the United States is sending this filing to his last known
5 address. Such mailing may take two business days to complete, due to in-office staffing
6 limitations during the present pandemic.

7 Leon Benzer, RN # 47521-048
8 United States Penitentiary
9 P.O. BOX 24550
TUCSON, AZ 85734

10 /s/ E. Carmen Ramirez
11 E. CARMEN RAMIREZ
12 Trial Attorney, Tax Division
13 U.S. Department of Justice
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