

KIMGILBERT EBRON
7625 DEAN MARTIN DRIVE, SUITE 110
LAS VEGAS, NEVADA 89139
(702) 485-3300 FAX (702) 485-3301

1 DIANA S. EBRON, ESQ.
Nevada Bar No. 10580
2 E-Mail: diana@kgelegal.com
JACQUELINE A. GILBERT, ESQ.
3 Nevada Bar No. 10593
E-Mail: jackie@kgelegal.com
4 KAREN L. HANKS, ESQ.
Nevada Bar No. 9578
5 E-Mail: karen@kgelegal.com
KIM GILBERT EBRON
6 7625 Dean Martin Drive, Suite 110
Las Vegas, Nevada 89139-5974
7 Telephone: (702) 485-3300
Facsimile: (702) 485-3301
8 Attorney for Defendant/Counterclaimant/Cross-Claimant,
SFR Investments Pool 1, LLC

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

12 OCWEN LOAN SERVICING, LLC,
13
Plaintiff,
14
vs.
15 SFR INVESTMENTS POOL 1, LLC; and
SUNDANCE AT THE SHADOWS
16 HOMEOWNERS' ASSOCIATION,
17
Defendants.

18 SFR INVESTMENTS POOL 1, LLC,
19
Counterclaimant/Cross-Claimant,
20
vs.
21 OCWEN LOAN SERVICING, LLC; FAITH
22 L. NOBORIKAWA, an individual,
23
Counter-Defendant/Cross-Defendant.

Case No.: 2:17-cv-01757-JAD-VCF

**STIPULATION AND ORDER TO AMEND
SCHEDULING ORDER [ECF NO. 24]
DEADLINES**
(FIRST REQUEST)

24 ///
25 ///
26 ///
27 ///
28 ///

**STIPULATION AND ORDER TO AMEND
SCHEDULING ORDER [ECF NO. 24] DEADLINES**

1
2
3 Plaintiff/Counter-Defendant OCWEN LOAN SERVICING, LLC (“Ocwen”),
4 Defendant/Counterclaimant/Cross-Claimant SFR INVESTMENTS POOL 1, LLC (“SFR”), and
5 Defendant SUNDANCE AT THE SHADOWS HOMEOWNERS’ ASSOCIATION (“HOA”)
6 (collectively, the “parties”), by and through their respective counsel of record, hereby
7 respectfully submit this Stipulation and Order to Amend Scheduling Order [ECF No. 24]
8 Deadlines pursuant to LR 26-4 and LR IA 6-1. This is the first stipulation for an extension of the
9 deadlines herein.

10 **I. DISCOVERY COMPLETED:**

11 A. Initial and Supplement Disclosures:

- 12 1. On November 22, 2017, HOA served its Initial Disclosures.
- 13 2. On December 22, 2017, Ocwen served its Initial Disclosures.
- 14 3. On April 11, 2018, Ocwen served its First Supplement to its Initial
15 Disclosures.
- 16 4. On April 19, 2018, SFR served its Initial Disclosures.

17 B. Initial and Rebuttal Expert Disclosures:

18 On March 16, 2018, Ocwen served its Designation of Expert Witness.

19 C. Written Discovery:

- 20 1. On April 11, 2018, Ocwen served its First Set of Interrogatories to SFR.
- 21 2. On April 11, 2018, Ocwen served its First Sets of Requests for Admission,
22 Interrogatories, and Requests for Production of Documents to HOA.
- 23 3. On April 16, 2018, SFR served its First Sets of Requests for Admission,
24 Interrogatories, and Requests for Production of Documents to Ocwen.

25 D. Depositions:

- 26 1. On April 12, 2018, at 9:00 AM, SFR conducted the deposition of the Fed.
27 R. Civ. P. 30(b)(6) witness for Ocwen.
- 28 2. Ocwen set the deposition of the Fed. R. Civ. P. 30(b)(6) witness for non-

1 party NEVADA ASSOCIATION SERVICES, INC. (“NAS”) for May 8,
2 2018, at 1:30 PM; the deposition did not move forward due to the stay of
3 discovery imposed by the Stipulation and Order [ECF No. 34] entered on
4 May 2, 2018.

5 3. Ocwen set the deposition of the Fed. R. Civ. P. 30(b)(6) witness for HOA
6 for May 15, 2018, at 1:30 PM; the deposition did not move forward due to
7 the stay of discovery imposed by the Stipulation and Order [ECF No. 34]
8 entered on May 2, 2018.

9 4. SFR set the deposition of the Fed. R. Civ. P. 30(b)(6) witness for non-
10 party FEDERAL HOME LOAN MORTGAGE CORPORATION a/k/a
11 FREDDIE MAC (“Freddie Mac”) for May 16, 2018, at 1:00 PM; the
12 deposition did not move forward due to the stay of discovery imposed by
13 the Stipulation and Order [ECF No. 34] entered on May 2, 2018.

14 5. Ocwen set the deposition of the Fed. R. Civ. P. 30(b)(6) witness for SFR
15 for May 16, 2018, at 1:30 PM; the deposition did not move forward due to
16 the stay of discovery imposed by the Stipulation and Order [ECF No. 34]
17 entered on May 2, 2018.

18 **II. SPECIFIC DESCRIPTION OF DISCOVERY THAT REMAINS TO BE**
19 **COMPLETED:**

20 A. Written Discovery:

- 21 1. SFR’s Responses to Ocwen’s First Set of Interrogatories.
22 2. HOA’s Responses to Ocwen’s First Sets of Requests for Admission,
23 Interrogatories, and Requests for Production of Documents.
24 3. Ocwen’s Responses to SFR’s First Sets of Requests for Admission,
25 Interrogatories, and Requests for Production of Documents.
26 4. Any additional written discovery by the parties as necessary pursuant to
27 the discovery process.
28

1 B. Depositions¹:

- 2 1. Ocwen's deposition of the Fed. R. Civ. P. 30(b)(6) witness for NAS.
3 2. Ocwen's deposition of the Fed. R. Civ. P. 30(b)(6) witness for HOA.
4 3. Ocwen's deposition of the Fed. R. Civ. P. 30(b)(6) witness for SFR.
5 4. SFR's deposition of the Fed. R. Civ. P. 30(b)(6) witness for Freddie Mac.
6 5. Any additional depositions by the parties as necessary pursuant to the
7 discovery process.

8 **III. REASONS WHY DISCOVERY WAS NOT COMPLETED WITHIN TIME**
9 **LIMITS SET BY DISCOVERY PLAN:**

10 All discovery in this action was stayed pending a decision by the Court on SFR's Motion
11 to Dismiss Ocwen's First Amended Complaint [ECF No. 18], pursuant to the Stipulation and
12 Order [ECF No. 34] entered on May 2, 2018. In addition, Ocwen had filed a Motion for Leave to
13 Amend its First Amended Complaint [ECF No. 28], and no decision had yet been entered on
14 Ocwen's Motion. On May 18, 2018, an Order [ECF No. 35] was entered by the Court denying
15 both SFR's Motion to Dismiss and Ocwen's Motion for Leave; as such, the stay of discovery
16 imposed by the foregoing Stipulation and Order was lifted on said date.

17 The discovery cut-off deadline of May 16, 2018, expired before the stay was lifted.
18 During the period of the stay, the parties all had outstanding responses to written discovery due
19 and four scheduled depositions were unable to move forward. After the stay was lifted, the
20 parties promptly met and conferred on May 24, 2018, and agreed to submit the instant
21 Stipulation to extend the discovery period by one hundred twenty (120) days from the date of the
22 conference. The parties have diligently engaged in discovery to date. However, the large volume
23 of similar NRS 116 homeowner association foreclosure cases involving the parties pending in
24 both federal and state courts gives rise to numerous scheduling conflicts and difficulties for the
25 parties and their respective Fed. R. Civ. P. 30(b)(6) witnesses, as well as the Fed. R. Civ. P.
26 30(b)(6) witnesses for non-parties. Given this and the requirement under the Scheduling Order
27

28 ¹ As noted in Section VI, Sub-Section 6 of the Scheduling Order [ECF No. 24], the parties agree to provide at least thirty (30) days' notice prior to the date of any deposition, unless otherwise agreed.

[ECF No. 24] that the parties provide at least thirty (30) days’ notice of any deposition, the parties believe that the additional time for discovery will be necessary to adequately reschedule and conduct the depositions of SFR, HOA, NAS, and Freddie Mac, as well as serve and respond to any written discovery.

Furthermore, SFR just filed its responsive pleading to Ocwen’s First Amended Complaint, as well as a Counterclaim against Ocwen and Cross-Claim against FAITH L. NOBORIKAWA (“Noborikawa”) [ECF No. 36] on June 1, 2018. As such, SFR will need time to serve Noborikawa with the Cross-Claim and conduct any necessary discovery. Accordingly, for the reasons stated above, good cause exists for the parties’ requested extension of the discovery deadlines.

IV. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY:

<u>Event</u>	<u>Previous Deadline</u>	<u>New Deadline</u>
Outstanding Responses to Previously Served Written Discovery	SFR: Friday, May 11, 2018 HOA: Friday, May 11, 2018 Ocwen: Wednesday, May 16, 2018	SFR: Monday, July 9, 2018 HOA: Monday, July 9, 2018 Ocwen: Monday, July 9, 2018
Discovery Cut-Off	Wednesday, May 16, 2018	Friday, September 21, 2018
Dispositive Motions	Friday, June 15, 2018	Monday, October 22, 2018 ²
Pre-Trial Order	Friday, July 13, 2018	Wednesday, November 21, 2018 ³

///

///

///

///

///

///

² Thirty (30) days after the new discovery cut-off deadline falls on Sunday, October 21, 2018. Pursuant to Fed. R. Civ. P. 6(a)(1)(C), the deadline is advanced to the next judicial day.

³ If dispositive motions are timely filed, the deadline for filing the Pre-Trial Order will be suspended until thirty (30) days after entry of the decision on the last such dispositive motion, or further order of the Court. The disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections thereto must be included in the Pre-Trial Order.

KIMGILBERT EBRON
7625 DEAN MARTIN DRIVE, SUITE 110
LAS VEGAS, NEVADA 89139
(702) 485-3300 FAX (702) 485-3301

1 The parties submit this Stipulation and Order in good faith and not for purposes of delay
2 or to prejudice any party.

3
4 DATED this 6th day of June, 2018.

5 **KIM GILBERT EBRON**

WRIGHT, FINLAY & ZAK, LLP

6 /s/ Diana S. Ebron
7 DIANA S. EBRON, ESQ.
Nevada Bar No. 10580
8 E-Mail: diana@kgelegal.com
KIM GILBERT EBRON
9 7625 Dean Martin Drive, Suite 110
Las Vegas, Nevada 89139-5974
10 Attorney for Defendant/Counterclaimant/
Cross-Claimant,
11 SFR Investments Pool 1, LLC

/s/ E. Daniel Kidd
E. DANIEL KIDD, ESQ.
Nevada Bar No. 10106
E-Mail: dkidd@wrightlegal.net
WRIGHT, FINLAY & ZAK, LLP
7785 West Sahara Avenue, Suite 200
Las Vegas, Nevada 89117-2789
Attorney for Plaintiff/Counter-Defendant,
Ocwen Loan Servicing, LLC

12 **HONG & HONG, APLC**

13
14 /s/ Joseph Y. Hong
JOSEPH Y. HONG, ESQ.
Nevada Bar No. 5995
E-Mail: yosuphonglaw@gmail.com
15 HONG & HONG, APLC
16 10781 West Twain Avenue
Las Vegas, Nevada 89135-3044
17 Attorney for Defendant,
18 *Sundance at the Shadows Homeowners'*
Association

19
20
21 **ORDER**

22 **IT IS SO ORDERED:**

23 

24 UNITED STATES MAGISTRATE JUDGE

25 DATED: 6-6-2018