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6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 NATIONSTAR MORTGAGE LLC dba
 9 MR. COOPER,

CASE NO.: 2:18-cv-00762-JAD-VCF

10 Plaintiff,

11 vs.

**MOTION TO EXTEND TIME TO FILE
 RESPONSE TO PLAINTIFF'S COMPLAINT**

12 KEYNOTE PROPERTIES, LLC, and
 13 RANCHO SANTA FE HOMEOWNERS
 ASSOCIATION,
 14 Defendants.

(FIRST REQUEST)

15 Comes now, Defendant, KEYNOTE PROPERTIES, LLC ("Defendant" or "Keynote"), by
 16 and through its counsel of record, Aaron R. Dean, Esq., of THE DEAN LEGAL GROUP, LTD,
 17 and respectfully requests this Court to enter an Order extending time in which the Defendant may
 18 file its response to Plaintiff's Complaint in this matter, ECF No. 1, pursuant to F.R.C.P 6(b)(1)(a),
 19 LR IA 6-1 and the attached declaration of counsel. By minute order of the Court dated August 6,
 20 2018, Keynote's response to the Complaint is currently scheduled to be filed no later than August
 21 16, 2018. ECF No. 21.

22
 23
 24 THE DEAN LEGAL GROUP, LTD.

25 By /s/ AARON R. DEAN, ESQ. /s/
 26 AARON R. DEAN, ESQ.
 Nevada Bar #9541
 27 721 S 6th Street
 Las Vegas, Nevada 89101
 28 Attorneys for *Keynote Properties, LLC*

1 **DECLARATION OF COUNSEL IN SUPPORT OF MOTION AND RELEVANT**
2 **BACKGROUND**

3 I, Aaron R. Dean, Esq., pursuant to 28 U.S. Code § 1746, declare under penalty of perjury
4 as follows:

5 1. That your Declarant is knowledgeable about all matters set forth in this declaration
6 and knows them to be true, except where stated upon information and belief, and in those
7 instances, believes them to be true.

8 2. That your Declarant is a duly licensed attorney in the State of Nevada and is
9 admitted to practice before all Courts in the State of Nevada, and represents Defendant, Keynote
10 Properties, LLC, in the current action.

11 3. That your Declarant is the attorney of record for the Defendant in the above
12 captioned case and this declaration is prepared and executed in connection with Defendant's
13 request to extend the time to file a responsive pleading in this matter.

14 4. That Plaintiff, Nationstar Mortgage, LLC, d/b/a Mr. Cooper ("Bank"), filed its
15 Complaint on April 26, 2018, asserting various quiet title claims relating to a property owned by
16 Keynote Properties, LLC., ECF No. 1.

17 5. The Bank allegedly served the Complaint on a "Jane Doe" on April 27, 2018. ECF
18 No. 6.

19 6. That when Keynote failed to respond to the Complaint, the Bank moved for entry
20 of default against Keynote on June 29, 2018, ECF No. 15, and the Clerk entered a default against
21 Keynote on July 2, 2018, ECF No. 16.

22 7. That on August 2, 2018, and after Keynote learned of the litigation, Keynote filed a
23 motion to set aside the default. ECF No. 20.

24 8. That on August 6, 2018, the Court entered a minute order granting Keynote's
25

1 Motion to Set Aside the Default. ECF No. 21.

2 9. That the Order setting aside the Default instructed that Keynote had until August
3 16, 2018, to file an answer or otherwise respond to the Complaint. ECF No. 21.

4 10. That during the week of August 6, 2018, the week the Court set aside the Default,
5 your Declarant was out of the office on a prearranged family vacation.

6 11. That due to being absent from the office during the week of August 6, 2018, the
7 backlog of work which accumulated during your Declarant's absence and the press of other,
8 ongoing litigation, your Declarant was unable to complete its response to Plaintiff's Complaint in
9 a timely fashion, despite the time allowed by this Honorable Court.

10 12. That besides your Declarant, there are no other attorneys in the office who could
11 answer or other respond in your Declarant's absence.

12 13. That your Declarant is requesting essentially a one-week (eight day) extension of
13 time to complete the response to Plaintiff's Complaint, requesting a new due date of Friday,
14 August 24, 2018.¹

15 14. That this is the first request of this Court with regards to Keynote's response to
16 Plaintiff's Complaint.

17 15. That this motion is made in good faith and not for purposes of delay.

18 I declare under penalty of perjury that the foregoing is true and correct, dated this 16th day
19 of August 2018.

20 /s/ Aaron R. Dean
21 AARON R. DEAN, ESQ.

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28 ¹ Keynote asserts the responsive pleading is nearly complete and it should be filed early next week, but out of an abundance of caution, it is requesting a new date of August 24, 2018.

1 POINTS AND AUTHORITIES

2 **I. ARGUMENT IN SUPPORT OF MOTION**

3 **A. Relevant Legal Authority.**

4 The Federal Rules of Civil Procedure 6(b) allows this Court to grant the requested relief as
5 it states:

6 **(b) Extending Time.**

7 **(1) In General. When an act may or must be done within a specified**
8 **time, the court may, for good cause, extend the time:**

9 **(A) with or without motion or notice if the court acts, or if a**
10 **request is made, before the original time or its extension**
11 **expires; or**

12 **(B) on motion made after the time has expired if the party**
13 **failed to act because of excusable neglect.**

14 **(2) Exceptions. A court must not extend the time to act under**
15 **Rules 50(b) and (d), 52(b), 59(b), (d), and (e), and 60(b).**

16 In addition, LR IA 6-1 also states in part:

17 **(a) A motion or stipulation to extend time must state the reasons**
18 **for the extension requested and must inform the court of all**
19 **previous extensions of the subject deadline the court granted.**
20 **(Examples: "This is the first stipulation for extension of time to file**
21 **motions." "This is the third motion to extend time to take**
22 **discovery.") A request made after the expiration of the specified**
23 **period will not be granted unless the movant or attorney**
24 **demonstrates that the failure to file the motion before the deadline**
25 **expired was the result of excusable neglect. Immediately below the**
26 **title of the motion or stipulation there also must be a statement**
27 **indicating whether it is the first, second, third, etc., requested**
28 **extension, i.e.:**

29 **STIPULATION TO EXTEND TIME TO FILE MOTIONS**
30 **(First Request)**

31 ***

32 **(c) A stipulation or motion seeking to extend the time to file an**
33 **opposition or reply to a motion, or to extend the time fixed for**
34 **hearing a motion, must state in its opening paragraph the filing**
35 **date of the subject motion or the date of the subject hearing.**

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1 **B. Defendant requests an extension of time to file its Responsive Pleading to Plaintiff's**
2 **Complaint.**

3 Based upon the declaration above, it is clear that Defendant's counsel was absent from the
4 office on a family vacation at the time the Court set aside the Default and ordered the responsive
5 pleading due by August 16, 2018. Counsel for Defendant, who is the only attorney in the office,
6 was unable to prepare the response during the week of August 6th due to being out of the office. In
7 addition, upon Counsels return, with the backlog of work and press of other litigation matters,
8 counsel for the Defendant was unable to complete the response to the Complaint. But for the
9 absence from the office and the unavailability of Defendant's counsel to prepare the necessary
10 response to the Complaint, this motion have not been required. Therefore, this Honorable Court
11 should allow Defendant a one-week (eight day) extension with which to respond to Plaintiff's
12 Complaint; making the new due date August 24, 2018.
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14

15 **II. CONCLUSION**

16 Based upon these facts, Defendant asserts there is good cause for the granting of the
17 request and allowing Defendant a one-week (eight day) extension with which to respond to
18 Plaintiff's Complaint.
19

20 Dated this 16th day of August 2018.

21 THE DEAN LEGAL GROUP, LTD.

22 By /s/ AARON R. DEAN, ESQ. /s/
23 AARON R. DEAN, ESQ.
24 Nevada Bar #9541
25 721 S 6th Street
26 Las Vegas, Nevada 89101
27 Attorneys for *Kevnote Properties. LLC.*
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IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE
DATED: 8-17-2018

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CERTIFICATE OF MAILING

The undersigned does hereby certify that she is an employee of THE DEAN LEGAL GROUP, LTD, and that on the 16th day of August, 2018, pursuant to United States District Court and F.R.C.P. 5(b), I electronically served, via the Court's CM/ECF system and in place of service by mail, MOTION TO EXTEND TIME TO FILE RESPONSE TO PLAINTIFF'S COMPLAINT on the following parties and those parties listed on the Court's Master List in said action:

- Melanie D Morgan – melanie.morgan@akerman.com

- Donna M. Wittig – donna.wittig@akerman.com

- Marc S. Cwik – mark.cwik@lewisbrisbois.com

 /s/ Anna Altunyan
An employee of THE DEAN LEGAL GROUP, LTD.