

1 Amy F. Sorenson, Esq.
 Nevada Bar No. 12495
 2 Blakeley E. Griffith, Esq.
 Nevada Bar No. 12386
 3 Kiah D. Beverly-Graham, Esq.
 Nevada Bar No. 11916
 4 SNELL & WILMER L.L.P.
 5 3883 Howard Hughes Pkwy, #1100
 Las Vegas, Nevada 89169
 6 Telephone: 702-784-5200
 Facsimile: 702-784-5252
 7 Email: asorenson@swlaw.com
 bgriffith@swlaw.com
 8 kbeverly@swlaw.com

9 *Attorneys for Defendant Bank of America, N.A.*

10 **UNITED STATES DISTRICT COURT**
 11 **DISTRICT OF NEVADA**

12
 13
 14 RICHARD ZEITLIN, ADVANCED
 TELEPHONY CONSULTANTS, MRZ
 15 MANAGEMENT, LLC, DONOR
 RELATIONS, LLC, TPF, INC., AMERICAN
 16 TECHNOLOGY SERVICES, COMPLIANCE
 CONSULTANTS, CHROME BUILDERS
 17 CONSTRUCTION, INC., and UNIFIED
 DATA SERVICES,

18 Plaintiffs,

19 v.

20 BANK OF AMERICA, N.A., and JOHN and
 21 JANE DOES 1-100,

22 Defendants.

Case No.: 2:18-cv-01919-RFB-DJA

**STIPULATION AND ORDER
 EXTENDING DEADLINE TO
 RESPOND TO MOTION TO SEAL
 AND BRIEFING SCHEDULE FOR
 MOTION TO COMPEL**

(FIRST REQUEST)

23
 24 Pursuant to Local Rule IA 6-1, Plaintiffs Richard Zeitlin, Advanced Telephony
 25 Consultants, MRZ Management, LLC, Donor Relations, LLC, TPF, Inc., American Technology
 26 Services, Compliance Consultants, Chrome Builders Construction, and Unified Data Services
 27 (“Plaintiffs”) and Defendant Bank of America, N.A. (“BANA” and together with Plaintiffs the
 28 “Parties” and each a “Party”), through their counsel of record hereby stipulate to (i) a 14-day

Snell & Wilmer
 LLP
 LAW OFFICES
 3883 Howard Hughes Parkway, Suite 1100
 Las Vegas, Nevada 89169
 702-784-5200

Snell & Wilmer
LLP
LAW OFFICES
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, Nevada 89169
702-784-5200

1 extension of BANA’s deadline to file a Declaration in response to Plaintiff’s Motion for Leave to
2 File Motion Under Seal, dated May 19, 2020 (ECF No. 48) (“Motion to Seal”); (ii) a 7-day
3 extension of BANA’s deadline to file a response to Plaintiffs’ Motion to Compel, which Plaintiffs
4 expect to file imminently; and (iii) a 3-day extension of Plaintiffs’ deadline to file a reply in
5 support of the Motion to Compel.

6 The Parties respectfully request the Court enter this Stipulation as an Order. In support of
7 this request, the Parties represent as follows.

8 On May 19, 2020, Plaintiffs filed their Motion to Seal, seeking to file the underlying
9 Motion to Compel under seal. Plaintiffs intended file the Motion to Compel under seal via ECF
10 the same day, as required by LR IA 10-5(a). However, the ECF system did not allow Plaintiffs to
11 file the Motion to Compel under seal, and they did not receive a response to counsel’s telephone
12 inquiries to the ECF Helpdesk. Further, due to administrative error, Plaintiffs did not serve a copy
13 of the Motion to Compel on BANA until May 26, 2020.

14 Consequently, BANA was served with the Motion to Seal via ECF but did not receive a
15 copy of the underlying Motion to Compel and was not aware that Plaintiff had attempted to file
16 the latter motion until May 26.

17 Among other things, the Motion to Compel will challenge the propriety of BANA’s
18 designation of certain documents produced in discovery as “Confidential” pursuant to a Stipulated
19 Protective Order submitted on October 23, 2019 (ECF No. 42) and the Court’s Order entering the
20 Stipulation, as modified, on October 29, 2019 (ECF No . 43) (together the “Protective Order”).
21 The papers requested to be sealed are, or refer to, documents which BANA produced as
22 “Confidential.”

23 Because the Motion to Seal is based on the fact that BANA designated the documents
24 Plaintiffs intend to file as “Confidential”, the Protective Order requires BANA to file, within
25 seven days of the filing of the Motion to Seal, a declaration “establishing sufficient justification
26 for sealing each document at issue . . . ” Protective Order at 3:9-15. The existing deadline for
27 BANA’s Declaration is May 26, 2020.
28

Snell & Wilmer
LLP
LAW OFFICES
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, Nevada 89169
702-784-5200

1 Because BANA was not originally served with the Motion to Compel and its supporting
2 documents; did not receive an ECF notification that a Motion to Compel had been filed under
3 seal; and was not otherwise notified of the specific documents which Plaintiffs seek to file under
4 seal, BANA is unable to file the required Declaration within seven days of filing as required by
5 the Protective Order. BANA does not have sufficient time to prepare a Declaration establishing
6 the justification for sealing each document at issue because it was not aware of the identity of
7 those documents until May 26, 2020, the very day the Declaration is due. The Parties agree this
8 state of affairs is due to inadvertent error and that good cause exists to extend the deadline as
9 requested herein.

10 In addition, the Parties agree that the issues raised by the two motions are complex, and
11 that BANA's ability to respond to these issues within seven days is substantially impaired by the
12 ongoing COVID-19 pandemic, which has significantly slowed the business operations and
13 internal processes necessary to assist in preparing the required Declaration. BANA's ability to
14 timely draft papers in opposition to the Motion to Compel is similarly affected. Accordingly, the
15 Parties further agree there is good cause to enlarge the seven-day period to file the Declaration to
16 fourteen days and to establish an enlarged briefing schedule with respect to the Motion to Compel
17 as set forth below.

18 The Parties are aware that the Motion to Compel, with respect to which they seek entry of
19 an enlarged briefing schedule, has not yet been filed. The parties submit this request now in an
20 effort to avoid burdening the Court with successive stipulations to extend time and because they
21 anticipate the Motion to Compel will be filed imminently, once Plaintiffs have resolved the
22 aforementioned technical issues with the ECF system.

23 Accordingly, the Parties agree there is good cause for entry of the following new
24 deadlines:

25 1. BANA's deadline to file the Declaration required by the Protective Order is
26 enlarged and extended from May 26, 2020 to June 9, 2020;

27 2. BANA's time to file papers in response to the Motion to Compel is enlarged from
28 14 days to 21 days from the date on which Plaintiffs file the Motion to Compel under seal via

1 ECF pursuant to LR IA 10-5(a) and serve the motion papers upon BANA in accordance with the
2 email service provision contained in the Parties’ Joint Proposed Scheduling Order, submitted on
3 May 17, 2019 (ECF No. 34); and

4 3. Plaintiffs’ time to file reply papers in further support of the Motion to Compel is
5 enlarged from 7 days to 10 days after service of BANA’s response.

6 This is the parties’ first request for the relief sought herein, and the parties agree that the
7 requested extensions will not prejudice any party. No deadline for which an extension is requested
8 herein has expired.

9 **IT IS SO STIPULATED.**

10 Dated: May 26, 2020

DATED: May 26, 2020

11 THE BERNHOFT LAW FIRM, S.C.

SNELL & WILMER L.L.P.

12 /s/ Daniel J. Treuden (with permission)

/s/ Kiah D. Beverly-Graham

13 Robert G. Bernhoft, Esq.
14 Admitted *Pro Hac Vice*
15 Wisconsin Bar No. 1032777
16 Thomas E. Kimble, Esq.
17 Admitted *Pro Hac Vice*
18 Illinois Bar No. 6257935
19 Daniel James Treuden, Esq.
20 Wisconsin Bar No. 1052766
21 1402 E. Cesar Chavez Street
22 Austin, Texas 78702

Amy F. Sorenson, Esq.
Nevada Bar No. 12495
Blakeley E. Griffith, Esq.
Nevada Bar No. 12386
Kiah D. Beverly-Graham, Esq.
Nevada Bar No. 11916
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169
*Attorneys for Defendant Bank of America,
N.A.*

20 Joel F. Hansen, Esq.
21 Nevada Bar No. 1876
22 Hansen & Hansen, LLC
23 9030 W. Cheyenne Avenue, #210
24 Las Vegas, Nevada 89129

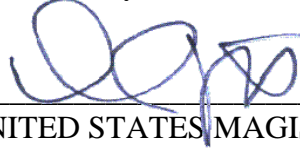
25 *Attorneys for Plaintiffs*

ORDER

26 **IT IS HEREBY ORDERED** that defendant Bank of America N.A.’s deadline to file a
27 Declaration in response to Plaintiffs’ Motion to Seal is extended from May 26, 2020 to June 9,
28 2020;

1 **IT IS FURTHER ORDERED** that defendant Bank of America N.A.’s deadline to file
2 papers in response to Plaintiffs’ Motion to Compel is enlarged from 14 days to 21 days from the
3 date on which Plaintiffs file the Motion to Compel under seal via ECF pursuant to LR IA 10-5(a)
4 and serve the motion papers upon BANA in accordance with the email service provision
5 contained in the Parties’ Joint Proposed Scheduling Order, submitted on May 17, 2019 (ECF No.
6 34); and

7 **IT IS FURTHER ORDERED that** Plaintiffs’ time to file reply papers in further support
8 of the Motion to Compel is enlarged from 7 days to 10 days after service of BANA’s response.

9
10 

11 _____
12 UNITED STATES MAGISTRATE JUDGE

13 DATED: May 28, 2020

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Snell & Wilmer
LLP
LAW OFFICES
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, Nevada 89169
702-784-5200

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing **STIPULATION AND ORDER EXTENDING DEADLINE TO RESPOND TO MOTION TO SEAL AND BRIEFING SCHEDULE FOR MOTION TO COMPEL** with the Clerk of the Court for the U.S. District Court, District of Nevada by using the Court’s CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

DATED: May 26, 2020

/s/ Lara J. Taylor
An Employee of Snell & Wilmer L.L.P.

Snell & Wilmer
LLP
LAW OFFICES
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, Nevada 89169
702-784-5200