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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

ESTATE OF MARY L. MILES, BY AND
THROUGH ITS SPECIAL
ADMINISTRATORS (ROBERT E. MILES
AND HOWARD M. MILES),

Plaintiff,

vs.

ESTATE OF HELEN S. MCBAIN, CAROL
MERGEN, ALEXANDRA MERGEN,
ANDREW MERGEN, RBC DAIN
RAUSCHER INC., AND DOES 1-4
INCLUSIVE,

Defendants.

Case No. 2:08-cv-00740

**STIPULATION AND ORDER FOR
EXTENSION OF TIME FOR PLAINTIFF
TO RESPOND TO DEFENDANTS'
MOTIONS TO DISMISS**

Plaintiff, the Estate of Mary L. Miles, by and through its Special Administrators (“Plaintiff”), and defendants RBC Dain Rauscher, Inc., n/k/a RBC Capital Markets Corporation (“Dain Rauscher”); and the Estate of Helen S. McBain, Carol Mergen, Alexandra Mergen, and Andrew Mergen (collectively, “McBain”) stipulate and agree as follows:

1. Plaintiff filed its complaint captioned above (the "2008 Complaint") on June 9, 2008.

1 2. In October 2008, the Plaintiff and Dain Rauscher and McBain agreed to extend
2 the time, through and including December 19, 2008, for Dain Rauscher and McBain to plead in
3 response to the 2008 Complaint. The order granting this stipulation was entered by the Court.

4 3. In December 2008, the Plaintiff and Dain Rauscher and McBain agreed to
5 extend the time, through and including February 2, 2009, for Dain Rauscher and McBain to
6 plead in response to the 2008 Complaint. The order granting this stipulation was entered by the
7 Court.
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9 4. These stipulations were entered into because another pending case before the
10 United States District Court for the District of Nevada in the matter styled, "Estate of Mary L.
11 Miles, by and through its Special Administrators (Robert E. Miles and Howard M. Miles),
12 Plaintiff, v. Estate of Helen S. McBain, Carol Mergen, Alexandra Mergen, Andrew Mergen,
13 RBC Dain Rauscher Inc., and Does 1 – 4 inclusive, Defendants," Case No. 2:06-cv-00593-
14 KJD-GWF (the "2006 Case"), was pending and had the potential to moot this action.
15

16 5. On January 16, 2009, the Court in the 2006 Case entered an order effectively
17 terminating the 2006 Case.

18 6. Thereafter, the Plaintiff and Dain Rauscher and McBain agreed to extend the
19 time, through and including February 17, 2009, for Dain Rauscher and McBain to plead in
20 response to the 2008 Complaint. The order granting this stipulation was entered by the Court.
21

22 7. Dain Rauscher and McBain both filed Motions to Dismiss on February 17, 2009.

23 8. Plaintiff requests an additional two weeks in which to prepare its responses to
24 these Motions to Dismiss.

25 9. Dain Rauscher and McBain hereby agree to extend the time, through and
26 including March 23, 2009, for Plaintiff to respond to the Motions to Dismiss.
27
28

1 10. This is the parties' first proposed stipulation and order with respect to the
2 deadline by which Plaintiff is to respond to the Motions to Dismiss. It is not submitted for the
3 purpose of delay.

4 FABIAN & CLENDENIN, P.C.

LEWIS AND ROCA LLP

6 By: /s/ Kevin N. Anderson
7 KEVIN N. ANDERSON
8 Nevada Bar No. 4512
9 601 South Tenth Street #102
10 Las Vegas, Nevada 89101
11 Attorney for Plaintiffs
12 Dated: March 4, 2009

By: /s/ Von S. Heinz
VON S. HEINZ
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Attorneys for Defendant
RBC DAIN RAUSCHER INC.
Dated: March 4, 2009

13 SOLOMON DWIGGINS & FREER

14 By: /s/ Jeffrey P. Luszeck
15 MARK A. SOLOMON
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23 Las Vegas, Nevada 89117
24 Attorneys for Defendants
25 Helen Carol Mergen,
26 Individually, and as Trustee
27 Of the Helen S. McBain 2000
28 Living Trust, Alexandra
Mergen and Andrew Mergen
Dated: March 4, 2009

IT IS SO ORDERED:



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
DATED: March 5, 2009