

1 Thomas W. Davis, II
 2 HOWARD & HOWARD
 3 Wells Fargo Tower, Suite 1000
 4 3800 Howard Hughes Parkway
 5 Las Vegas, NV 89169-5980
 Telephone: (702) 257-1483
 Facsimile: (702) 567-1568
 Email: tdavis@howardandhoward.com

6 Lewis K. Loss
 7 Matthew J. Dendinger
 8 Richard W. Boone Jr.
 9 LOSS, JUDGE & WARD, LLP
 10 Two Lafayette Centre
 11 1133 21st Street, NW, Suite 450
 Washington, DC 20036
 Telephone: (202) 778-4060
 Facsimile: (202) 778-4099
 Email: lloss@ljwllp.com
 mdendinger@ljwllp.com
 rboone@ljwllp.com

12 Attorneys for Progressive Casualty Insurance Company

13 **UNITED STATES DISTRICT COURT**
 14 **DISTRICT OF NEVADA**

15 PROGRESSIVE CASUALTY
16 INSURANCE COMPANY,

17 Plaintiff,

18 v.

19 JACKIE K. DELANEY; LARRY E.
 20 CARTER; MARK A. STOUT; KENNETH
 21 TEMPLETON; JOHN SHIVELY;
 22 STEVEN C. KALB; JEROME F.
 SNYDER; HUGH TEMPLETON; RICK
 DRESCHLER; and the FEDERAL
 DEPOSIT INSURANCE CORPORATION
 as receiver for SUN WEST BANK,

23 Defendants.

Case No. 2:11-CV-00678-LRH-PAL

**JOINT UNOPPOSED MOTION BY
 PROGRESSIVE CASUALTY
 INSURANCE COMPANY AND
 FEDERAL DEPOSIT INSURANCE
 CORPORATION AS RECEIVER FOR
 SUN WEST BANK FOR AN
 EXTENSION OF THE BRIEFING
 SCHEDULE AND HEARING DATE
 REGARDING MOTION TO COMPEL**

24
25 ///

1 NOW COME Plaintiff Progressive Casualty Insurance Company (“Progressive”)
2 and Defendant Federal Deposit Insurance Corporation as Receiver for Sun West Bank
3 (“FDIC-R”), by and through their undersigned counsel, and file this joint unopposed
4 motion for an extension of the briefing schedule and hearing date regarding the FDIC-R’s
5 Motion to Compel Discovery Responses (DE 68). In support of this motion, Progressive
6 and the FDIC-R state as follows:

7 On October 25, 2013, the FDIC-R filed under seal a Motion to Compel Discovery
8 Responses. (DE 68). Progressive’s response to that motion presently is due by next
9 Tuesday, November 12, 2013, and the FDIC-R’s reply in support is due by Friday,
10 November 22, 2013. On November 6, 2013, the Court entered an order setting the FDIC-
11 R’s motion for hearing on Tuesday, December 3, 2013 at 10:30 a.m. (DE 71).

12 Due to the press of business pertaining to other declaratory judgment actions in
13 which Progressive and the FDIC, in its capacity as receiver for a failed bank, are
14 involved, Progressive respectfully requests an extension of time until November 20, 2013
15 for Progressive to file its response to the FDIC-R’s Motion to Compel Discovery
16 Responses. Due to the Thanksgiving holiday, the FDIC-R respectfully requests an
17 extension of time until December 3, 2013 for the FDIC-R to file a reply brief in support
18 of its motion.

19 Because these extensions, if granted, would cause briefing on the motion to be
20 completed on the currently scheduled hearing date, Progressive and the FDIC-R likewise
21 respectfully request that the Court reschedule the hearing for Tuesday, December 10,
22 2013 or the earliest date thereafter that is convenient for the Court.¹

23
24
25

¹ Counsel for Progressive will be on vacation for the holidays from December 23, 2013 through January 1, 2014 and would appreciate this matter not be scheduled for a hearing during that timeframe. If necessary, though, Progressive’s counsel can make himself available during this period.

1 Counsel for Progressive has confirmed that this motion is unopposed by the other
2 parties to this action.

3 Respectfully submitted this 8th day of November, 2013.

4 HOWARD & HOWARD

LEE, HONG, DEGERMAN, KANG
& WAIMEY

5 By /s/ Thomas W. Davis, II
6 Thomas W. Davis, II
7 Wells Fargo Tower, Suite 1000
8 3800 Howard Hughes Parkway
9 Las Vegas, NV 89169

By /s/ Eric D. Olson
Eric D. Olson (*pro hac vice*)
1920 Main Street, Suite 900
Irvine, CA 92614

8 LOSS, JUDGE & WARD, LLP
9 Lewis K. Loss (*pro hac vice*)
10 Matthew J. Dendinger (*pro hac vice*)
11 Richard W. Boone, Jr. (*pro hac vice*)
12 Two Lafayette Centre
13 1133 21st St., NW, Suite 450
14 Washington, DC 20036

MORRIS LAW GROUP
Robert McCoy
Joni A. Jamison
900 Bank of America Plaza
300 South Fourth Street
Las Vegas, NV 89101

*Attorneys for Progressive Casualty
Insurance Company*

DICKSTEIN SHAPIRO LLP
Andrew M. Reidy (*pro hac vice*)
Catherine J. Serafin (*pro hac vice*)
1825 Eye Street NW
Washington, DC 20006

*Attorneys for Federal Deposit Insurance
Company, as Receiver for Sun West Bank*

CERTIFICATE OF SERVICE

17 I HEREBY CERTIFY that on the 8th day of November, 2013, I served the above
18 JOINT UNOPPOSED MOTION BY PROGRESSIVE CASUALTY INSURANCE
19 COMPANY AND FEDERAL DEPOSIT INSURANCE CORPORATION AS
20 RECEIVER FOR SUN WEST BANK FOR AN EXTENSION OF THE BRIEFING
21 SCHEDULE AND HEARING DATE REGARDING MOTION TO COMPEL pursuant
22 to Fed. R. Civ. P. 60(b) through the CM/ECF system of the United States District Court
23 for the District of Nevada upon counsel for all parties of record in this action.

24 Barbara Dumm

25 An Employee of Howard & Howard

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

ORDER

IT IS SO ORDERED that Progressive shall have until November 20, 2013 to file its response to the FDIC-R's Motion to Compel Discovery Responses, and the FDIC-R shall have until December 3, 2013 to file a reply in support of that motion. The hearing on this motion currently scheduled for Tuesday, December 3, 2013 at 10:30 a.m. is rescheduled for December 10, 2013 at 9:30 a.m. in LV Courtroom 3B before Magistrate Judge Peggy A. Leen.

Dated this 12th day of November, 2013.



United States Magistrate Judge