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9 Attorneys for Emmett Michaels

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

12 EMMETT MICHAELS, an individual,  
13  
14 Plaintiff,

15 v.

16 BANK OF AMERICA CORPORATION,  
17 BANK OF AMERICA, NATIONAL  
18 ASSOCIATION (N.A.) , BAC HOME  
19 LOANS SERVICING, LP, MTC  
20 FINANCIAL, INC., dba TRUSTEE CORPS,;  
21 DOES 1-10, unknown individuals; and ROE  
22 CORPORATIONS 1-10, unknown business  
23 entities,

24 Defendants.

Case No.: 2:11-cv-00976-KJD -RJJ

**EX-PARTE MOTION AND ORDER TO  
EXTEND TIME FOR PLAINTIFF TO  
FILE OPPOSITION TO DEFENDANT'S  
MOTION TO DISMISS AND MOTION  
TO STRIKE**

**(Second Request)**

25 Plaintiff, Emmett Michaels, by and through his counsel, Semenza & Semenza, LLP,  
26 respectfully moves this Court for an Order to extend the time for Plaintiff to File Opposition to  
27 Defendant's Motion to Dismiss and Motion to Strike.

28 Defendant and Plaintiff, through their respective counsel stipulated to extend the date  
within which Plaintiff s time to respond to Defendant's Motion to dismiss for failure to state a  
claim and Motion to Strike portions of complaint to and including July 27, 2011, and Plaintiff's  
Counsel moves this Court for an Order allowing Plaintiff to extend the date within Plaintiff may  
file its response to File Opposition to Defendant's Motion to Dismiss and Motion to Strike.

1 Plaintiff has requested an extension of time to File Opposition to Defendant’s Motion to  
2 Dismiss and Motion to Strike from Defendant’s counsel, Michael E. Sullivan, Esq., and was  
3 informed that all decisions in this case were being made by Richard J. Reynolds.

4 Counsel for Plaintiff prepared a proposed Stipulation to File Opposition to Defendant’s  
5 Motion to Dismiss and Motion to Strike (Exhibit A) and forwarded the proposed Stipulation to  
6 Defendant’s counsel by e-mail on Monday, July 25, 2011.

7 Counsel for Plaintiff called Defendant’s counsel Richard Reynolds on July 27, 2011 and  
8 left a message regarding the proposed Stipulation. Plaintiff’s Counsel did not receive a return  
9 call for Richard Reynolds and again caused a copy of the proposed Stipulation to Richard  
10 Reynolds and heard nothing. Counsel also e-mailed a copy to Michael Sullivan’s office and  
11 heard no reply.

12 Plaintiff requests up to and including August 10, 2011, to file a response to Defendant’s  
13 Motion to Dismiss for failure to state a claim and Motion to Strike portions of complaint and  
14 Defendant, MTC FINANCIAL INC., dba TRUSTEE CORPS (“TRUSTEE CORPS”) shall have  
15 up to and including August 22, 2011, to file a Reply to Plaintiff’s response.

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1 This is the second request for an extension, and is not intended to cause any delay or  
2 prejudice to any party. Trial has not been set in this case yet.

3  
4 DATED this 27<sup>th</sup> day of July, 2011.

5 **SEMENZA & SEMENZA, LLP**

6  
7 /s/ Lawrence J. Semenza  
8 LAWRENCE J. SEMENZA, ESQ.  
9 Nevada Bar No. 789  
10 LAWRENCE J. SEMENZA, III, ESQ.  
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12 3025 East Post Road  
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14 *Attorneys for Plaintiff*

15 **IT IS SO ORDERED.**

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18 UNITED STATES DISTRICT COURT JUDGE

19 Dated: 7/28/11

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