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

11 U.S. BANK, N.A.,

12 Plaintiff,

13 v.

14 RECOVERY SERVICES NORTHWEST,  
15 INC., d/b/a CUSTOM RECOVERY, et al.,

16 Defendants.

**CASE NO.: 2:13-cv-01254-APG-GWF**

**PLAINTIFF U.S. BANK, N.A.’S  
 MOTION FOR EXTENSION OF ALL  
 SUMMARY JUDGMENT DEADLINES  
 PENDING DECISION ON MOTION  
 FOR SANCTIONS, ON ORDER  
 SHORTENING TIME**

**(Second Request to Extend Deadline  
 Pending Ruling on Motion for Sanctions)**

17 Plaintiff U.S. Bank, N.A. (“Plaintiff” or “U.S. Bank”) hereby submits its Motion for  
 18 Extension of All Summary Judgment Deadlines Pending Decision on Motion for Sanctions (the  
 19 “Motion”). This is Plaintiff’s second motion request to extend the summary judgment deadline  
 20 pending a decision on the Motion for Sanctions, which was taken under submission but no order  
 21 has yet issued. This Motion is made and based on the accompanying Memorandum of Points  
 22 and Authorities, the pleadings and papers on file and the related records referenced herein.

23 DATED this 27th day of September, 2016 HOLLAND & HART LLP

24 By: /s/ Ryan A. Loosvelt

25 Ryan A. Loosvelt, Esq.  
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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. AN EXTENSION TO FILE DISPOSITIVE MOTIONS AND RESPOND TO DEFENDANT’S MOTIONS SHOULD BE GRANTED PENDING THE DECISION ON PLAINTIFF’S MOTION FOR SANCTIONS**

After several delays by Defendant, Defendant’s Rule 30(b)(6) deposition was finally conducted after the discovery deadlines, and shortly before the dispositive motion deadline. Despite being forewarned of the obligation to educate its deponent for deposition, defense counsel did not prepare the witness, the witness admittedly did “nothing” to prepare for the deposition, and the witness could not testify on the subjects for examination.

Plaintiff filed a Motion for Sanctions On Order Shortening Time [ECF No. 85] seeking monetary and evidentiary sanctions for Custom’s failure to produce a prepared witness for a Rule 30(b)(6) deposition, including relief precluding Custom from offering evidence contrary to its corporate deponent’s testimony. Plaintiff’s Motion will affect the outcome of the issues on summary judgment, and at a minimum will affect the evidence that can and cannot be offered in summary judgment. For example, James Morin has attempted to offer testimony in Defendant’s summary judgment motion directly contrary to his Rule 30(b)( 6) testimony. *See* ECF No. 81-1. This presents significant issues and additional briefing depending on the Court’s ruling, plus time for any objection thereto that may be filed by the parties.

This Court scheduled a hearing on Plaintiff’s Motion for August 29, 2016, and invited a Motion for Extension by Plaintiff if it chose to file one until the Court is able to resolve the Motion for Sanctions. [ECF No. 86]. Plaintiff filed the Motion for Extension [ECF No. 87], **Defendant filed a Non-Opposition** [ECF No. 89] to the Motion for Extension, and the Court granted the extension [ECF No. 90].

The Court held the hearing on the Motion for Sanctions, requested Plaintiff to file the remainder of Defendant’s Rule 30(b)(6) deposition transcript, and took the matter under submission [ECF No.95]. Plaintiff filed the full transcript [ECF No.97]. The Court has not yet ruled on the Motion for Sanctions, and the current deadline to file summary judgment motions and respond to Defendant’s summary judgment motion and motion for judicial notice is

1 September 30, 2016, less than a week away. Plaintiff therefore moves for an extension of the  
2 briefing deadlines to allow for sufficient time for briefing after the Court issues its order on the  
3 Motion for Sanctions, as well as to allow time for the parties' objection(s) thereto.

4 The court may order an extension of deadlines for good cause before a deadline passes.  
5 Fed. R. Civ. P. 6(b); LR 6-1(b). There is good cause to extend the deadline to file dispositive  
6 motions and to file oppositions to Defendant's motion for summary judgment and motion for  
7 judicial notice pending the Court's decision on Plaintiff's Motion for Sanctions.

8 U.S. Bank requested that Defendant stipulate to the extension in light of its non-  
9 opposition to the prior motion for extension, which was sought on the same grounds, but  
10 Defendant declined to agree this time. Defendant is invited to immediately respond to this  
11 Motion if it chooses to oppose it.

12 U.S. Bank requests the Court reschedule the deadlines for 30 days after the ruling on  
13 Plaintiffs' Motion for Sanctions to allow for briefing of any potential objection to an order on the  
14 Motion for Sanctions, or otherwise in the Court's discretion. No trial has been scheduled so  
15 there is no true prejudice to Defendant.

16 DATED this 27th day of September, 2016 HOLLAND & HART LLP

17  
18 By: /s/ Ryan A. Loosvelt  
19 Ryan A. Loosvelt, Esq.  
20 Nevada Bar No: 8550  
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26 **ORDER**

27 IT IS SO ORDERED: Plaintiff's Motion for Extension is GRANTED. The deadline to file  
28 dispositive motions and the deadline to file oppositions to Defendants motion for summary  
judgment and renewed motion for judicial notice shall be 30 days after a ruling on Plaintiff's  
Motion for Sanctions [ECF No. 85].

DATED this 27th day of September, 2016.

  
UNITED STATES MAGISTRATE JUDGE

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**CERTIFICATE OF SERVICE**

Pursuant to Fed. R. Civ. P. 5(b), I hereby certify that on the 27th day of September, 2016, I served a true and correct copy of the foregoing **PLAINTIFF U.S. BANK, N.A.’S MOTION FOR EXTENSION OF ALL SUMMARY JUDGMENT DEADLINES PENDING DECISION ON MOTION FOR SANCTIONS** by electronic transmission to the parties on electronic file and/or depositing same in the United States mail, first class postage fully prepaid to the persons and addresses listed below :

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