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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

U.S. BANK, N.A.,

Plaintiff,

v.

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

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**

**(First Request to Extend All Deadlines;
Second Request to Extend Deadline to
Respond to Defendant's Motions)**

Plaintiff U.S. Bank, N.A. ("Plaintiff" or "U.S. Bank") hereby submits its Motion for Extension of All Summary Judgment Deadlines Pending Decision on Motion for Sanctions (the "Motion"). This is Plaintiff's first motion request to extend the summary judgment deadline since it was reset by the Court's May 12, 2016 Order [ECF No. 71]. Because Defendant filed a motion for summary judgment and accompanying motion for judicial notice early, so the parties stipulated to extend the time for Plaintiff to respond to those motions through the dispositive motion deadline, July 30, 2016. ECF no. 84. This would be the second extension of those deadlines to respond to Defendant's motions.

July 30, 2016 is the current deadline to file dispositive motions and respond to Defendant's Motion for Summary Judgment [ECF No. 81] and Defendant's accompanying

1 Renewed Motion for Judicial Notice [ECF No. 82]. This Motion seeks to extend the July 30,
2 2016 deadlines until after Plaintiff's Motion for Sanctions is heard August 29, 2016.

3 This Motion is made and based on the accompanying Memorandum of Points and
4 Authorities, the pleadings and papers on file and the related judicial records referenced herein.

5 DATED this 26th day of July, 2016

6 HOLLAND & HART LLP

7
8 By: /s/ Ryan A. Loosvelt

9 Ryan A. Loosvelt, Esq.

10 Nevada Bar No: 8550

11 Patrick J. Reilly (6103)

12 HOLLAND & HART LLP

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14 Las Vegas, NV 89134

15 *Attorneys for Plaintiff U.S. Bank, N.A*

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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 recently 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, including the striking of Custom's Answer, for Custom's
failure to produce a prepared witness for a Rule 30(b)(6) deposition. 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.

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1 This Court scheduled a hearing on Plaintiff's Motion for August 29, 2016, and invited a
2 Motion for Extension by Plaintiff if it chose to file one until the Court is able to resolve the
3 Motion for Sanctions. [See ECF No. 86].

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. U.S. Bank
8 requests the Court reschedule the deadlines for at least two weeks after the August 29, 2016
9 hearing on Plaintiffs' Motion for Sanctions, or longer to allow for briefing of any potential
10 objection to an order on the Motion for Sanctions, or otherwise in the Court's discretion.

11 DATED this 26th day of July, 2016

12 HOLLAND & HART LLP

13 By: /s/ Ryan A. Loosvelt

14 Ryan A. Loosvelt, Esq.

15 Nevada Bar No: 8550

16 Patrick J. Reilly (6103)

17 HOLLAND & HART LLP

18 9555 Hillwood Dr., 2nd Floor

19 Las Vegas, NV 89134

20 Attorneys for Plaintiff U.S. Bank, N.A.

21 **ORDER**

22 IT IS SO ORDERED: Plaintiff's Motion for Extension is GRANTED. The deadline to file
23 dispositive motions and the deadline to file oppositions to Defendants motion for summary
24 judgment and renewed motion for judicial notice shall be September 30, 2016.

25 DATED this 28th day of July, 2016.

26 
27 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 26th day of July, 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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/s/ Yalonda Dekle
An Employee of Holland & Hart LLP