1 2 3 4 5 6 7	JAMES E. SMYTH II Nevada Bar No. 6506 LISA J. ZASTROW Nevada Bar No. 9727 KAEMPFER CROWELL 8345 West Sunset Road, Suite 250 Las Vegas, Nevada 89113 Telephone: (702) 792-7000 Fax: (702) 792-7000 Fax: (702) 796-7181 jsmyth@kcnvlaw.com lzastrow@kcnvlaw.com Attorneys for Westgate Defendants	
8	UNITED STATES DIST DISTRICT OF N	
9	BLUE MOON MARKETING, LLC, a Nevada)	Case No. 2:13-cv-02238
10	limited-liability company,	
11	Plaintiffs,	
12	vs.) SCOTT R. MATTHEWS, an individual; TRAVEL)	
13	EXCURSION NETWORK, LLC, a Florida limited-) liability company; 4 STAR HOLDINGS LLC, a)	TIME TO FILE A RESPONSE TO PLAINTIFF'S COMPLAINT (SECOND REQUEST)
14	Florida limited liability company, ALLAN R.) LEFFLER, an individual; TRACEY L. LEFFLER,)	
15	an individual, PRESTIGE TRAVEL SYSTEMS,)	
16	INC., a Florida corporation; RON LASCALA, an) individual; SUMMER BAY RESORTS CROWN	
17	CLUB, LLC, a Florida limited-liability company; PHILLIP BREWER, an individual; WESTGATE	
18	RESORTS, LTD., a Florida limited partnership;)	
19	WESTGATE RESORTS, LLC, a Florida limited-) liability company; WESTGATE RESORTS, INC.,	
20	Florida corporation; RW ADVERTISING, INC., an	
	Illinois corporation; REVENUE FRONTIER, LLC,	
21	a California foreign limited-liability company;) CALL SERVICES INTERNATIONAL LLC,)	
22	Florida limited- liability company; and DOES 1-10,	
23	inclusive,	
24	Defendants.	
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DEFENDANTS' UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO FILE A RESPONSE TO PLAINTIFF'S COMPLAINT (SECOND REQUEST)

	KESTONSE TOTEARTINT S COMPLAINT (SECOND REQUEST)
3	Pursuant to Fed. R. Civ. P. 6(b)(1)(A) and this Court's Local Rules 6-1 and 6-2,
4	Defendants WESTGATE RESORTS, LTD., WESTGATE RESORTS, LLC, and WESTGATE
5	RESORTS, INC. ("Defendants"), hereby files its unopposed motion (the "Motion") for a second
6	extension of time of seven (7) days, up to and including January 29, 2014, to file a response to
7	Plaintiff's Verified Complaint [DE1] and states that:
8	1. Local Rule 6-1(a) requires that "[e]very motion requesting a continuance,
9	extension of time, or order shortening time shall be 'Filed' by the Clerk and processed as an
10	expedited matter. Ex parte motion and stipulations shall be governed by LR 6-2."
11	2. Local Rule 6-2(a) requires the following:
12	"Any stipulations, <i>ex parte</i> or unopposed motions requesting a continuance, extension of time, and any other stipulation requiring an order shall not initially
13	be "Filed" by the Clerk, but shall be marked "Received." Every such stipulation, or <i>ex parte</i> or unopposed motion shall include an "Order" in the form of a
14	signature block on which the Court or Clerk can endorse approval of the relief sought. This signature block shall not be on a separate page, but shall appear
15	approximately one inch (1") below the last typewritten matter on the right-hand side of the last page of the stipulation or <i>ex parte</i> or unopposed motion"
16	As seen below, the instant unopposed Motion conforms with LR 6-2(a).
17	3. Local Rule 6-1(b) requires that "[e]very motion or stipulation to extend time shall
18	inform the Court of any previous extensions granted and state the reasons for the extension
19	requested."
20	4. This is Defendants' second request for an extension of time to respond to the
21	Complaint.
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	Page 2 of 5

1	5. Via telephone call on January 17, 2014, Plaintiff's counsel offered Defendants a
2	one week (7 day) extension of time of time to respond to the complaint to continue discussion
3	regarding the possible dismissal of Westgate. The conversion was memorialized via e-mail,
4	attached as Exhibit "A" and dated January 17, 2014, which also memorialized Plaintiff's
5	agreement that the motion should be made as unopposed.
6	6. As stated in the e-mail attached as Exhibit "A," Defendants request the extension
7	to continue discussions with Plaintiff's counsel regarding the possible dismissal of the
8	Defendants without additional court intervention. Defendants also request the extension to
9	continue its investigation regarding the allegations made by Plaintiff.
10	7. Defendants were served with the Complaint on December 18, 2013. Pursuant to
11	Fed. R. Civ. P. 12, Defendants time to respond to the Complaint therefore originally expired on
12	January 8, 2014. Pursuant to this Court's January 8, 2014 Order (DE 11), Defendants time to
13	respond to the Complaint was thereafter extended to January 22, 2014. Because Defendants'
14	time to respond to the Complaint has not yet expired, the instant Motion is timely made.
15	8. Fed. R. Civ. P. 6(b) allows the Court discretion to enlarge time periods and Local
16	Rules 6-1 and 6-2 provide this Court's rules governing extensions of time.
17	9. This Motion is made in good faith and not for the purposes of delay and will not
18	prejudice any party.
19	1111
20	1111
21	1111
22	1111
23	1111
24	1111

2 WESTGATE RESORTS, INC., respectfully request that the Court enlarge the time to file a 3 response to Plaintiff's Complaint so that WESTGATE RESORTS, LTD., WESTGATE 4 RESORTS, LLC, and WESTGATE RESORTS, INC., shall have seven (7) additional days to file 5 a response to Plaintiff's Verified Complaint, making the response due on January 29, 2014 6 Dated: January 21, 2014 Respectfully Submitted, 7 JAMES E. SMyTH II, 8 JAMES E. SMYTH II, 9 LISA J. ZASTROW 10 Nevada Bar No. 6506 11 Nevada Bar No. 6506 12 Sa45 West Sumset Road, Suite 250 13 LISA J. ZASTROW 14 Nevada Bar No. 6706 15 Telephone: (702) 796-7181 16 Ta Is SO ORDERED. 17 Dated: January 23, 2014 18 By:	1	WHEREFORE, WESTGATE RESORTS, LTD., WESTGATE RESPORTS, LLC, and	
4 RESORTS, LLC, and WESTGATE RESORTS, INC., shall have seven (7) additional days to file 5 a response to Plaintiff's Verified Complaint, making the response due on January 29, 2014 6 Dated: January 21, 2014 Respectfully Submitted, 7 By: /s/James F. Smyth II 8 JAMES E. SMYTH II, Nevada Bar No. 6506 9 LISA J. ZASTROW 10 Nevada Bar No. 6707 11 Nevada Bar No. 9727 12 KAEMPEER CROWELL 8345 West Sunset Road, Suite 250 Las Vegas, Nevada 89113 13 Telephone: (702) 792-7000 14 Fax: (702) 796-7181 15 Jismyth@kenvlaw.com 16 IT IS SO ORDERED. 17 Dated: January 23, 2014 18 GEORGE KOLEY, JRU 19 GEORGE KOLEY, JRU 20 United States Magistrate Judge 21 22 22 23 23 24	2	WESTGATE RESORTS, INC., respectfully request that the Court enlarge the time to file a	
5 a response to Plaintiff's Verified Complaint, making the response due on January 29, 2014 6 Dated: January 21, 2014 Respectfully Submitted, 7 By: /s/James E. Smyth II 8 JAMES E. SMYTH II, Nevada Bar No. 6506 9 LISA J. ZASTROW 10 Nevada Bar No. 9727 10 KAEMPFER CROWELL 8345 West Sunset Road, Suite 250 Las Vegas, Nevada 89113 12 Telephone: (702) 792-7000 13 Fax: (702) 792-7000 14 Fax: (702) 792-7000 15 Fax: (702) 792-7000 16 Fax: (702) 792-7000 17 Dated: January 23, 2014 18 Date: January 23, 2014 19 GEORGE ROLEY, JRUM 10 GEORGE ROLEY, JRUM 12 United States Magistrate Judge 13 Intervention of the states Magistrate Judge 14 Intervention of the states Magistrate Judge 15 Intervention of the states Magistrate Judge 16 Intervention of the states Magistrate Judge 17 Intervention of the states Magistrate Judge 18 Intervention of the states Magistrate Ju	3	response to Plaintiff's Complaint so that WESTGATE RESORTS, LTD., WESTGATE	
6 Dated: January 21, 2014 Respectfully Submitted, 7 By: <u>/s/James E. Smyth II</u> 8 JAMES E. SMYTH II, 9 IAMES E. SMYTH II, 10 Nevada Bar No. 6506 11 ISA J. ZASTROW 12 Respectfully Submitted, 13 Telephone: (702) 792-7000 14 Fax: (702) 796-7181 15 James for Westgate Defendants 14 Image: State	4	RESORTS, LLC, and WESTGATE RESORTS, INC., shall have seven (7) additional days to file	
7 By: <u>/s/James E. Smyth II</u> 8 JAMES E. SMYTH II, 9 LISA J. ZASTROW 9 Nevada Bar No. 6506 10 Nevada Bar No. 9727 10 KAEMPFER CROWELL 8345 West Sunset Road, Suite 250 Las Vegas, Nevada 89113 11 Telephone: (702) 792-7000 12 Fax: (702) 796-7181 13 Telephone: (702) 792-7000 14 Fax: (702) 796-7181 15 Jastrow@kenvlaw.com 16 IT IS SO ORDERED. 17 Dated: January 23, 2014 18 GEORGE FOLEY, JR/ 19 United States Magistrate Judge 20 21 21 23 23 24	5	a response to Plaintiff's Verified Complaint, making the response due on January 29, 2014	
8 JAMES E. SMYTH II, Nevada Bar No. 6506 9 LISA J. ZASTROW Nevada Bar No. 9727 10 RAEMPFER CROWELL 8345 West Sunset Road, Suite 250 11 Las Vegas, Nevada 89113 Telephone: (702) 792-7000 Fax: (702) 792-7000 Fax: (702) 792-7000 Fax: (702) 792-7000 Fax: (702) 796-7181 jsmyth@kenvlaw.com Lzastrow@kenvlaw.com Attorneys for Westgate Defendants 13 Telephone: (702) 792-7000 Fax: (702) 792-700 Fax: (702) 792	6	Dated: January 21, 2014 Respectfully Submitted,	
Nevada Bar No. 6506 LISA J. ZASTROW Nevada Bar No. 727 KAEMPFER CROWELL 8345 West Sunset Road, Suite 250 Las Vegas, Nevada 89113 Telephone: (702) 792-7000 Fax: (702) 796-7181 jsmyth@kcnvlaw.com Izastrow@kcnvlaw.com Attorneys for Westgate Defendants 14 15 16 IT IS SO ORDERED. 17 Dated: January 23, 2014 By: <u>Home Folcy</u> GEORGE KOLEY, JRO United States Magistrate Judge 19 20 21 22 23 24	7	By: <u>/s/James E. Smyth II</u>	
9 LISA J. ZASTROW 10 Nevada Bar No. 9727 10 KAEMPFER CROWELL 8345 West Sunset Road, Suite 250 Las Vegas, Nevada 89113 12 Telephone: (702) 792-7000 13 Telephone: (702) 792-7000 13 Fax: (702) 796-7181 14 jsmyth@kcnvlaw.com 15 IT IS SO ORDERED. 16 IT IS SO ORDERED. 17 Dated: January 23, 2014 18 GEORGE KDLEY, JRU 19 United States Magistrate Judge 20 21 23 24	8		
10 KAEMPFER CROWELL 8345 West Sunset Road, Suit 250 13 Las Vegas, Nevada 89113 14 Telephone: (702) 792-7000 13 Fax: (702) 796-7181 14 jsmyth@kenvlaw.com 15 IT IS SO ORDERED. 16 IT IS SO ORDERED. 17 Dated: January 23, 2014 18 GEORGE KOLEY, JR 19 United States Magistrate Judge 20 21 21 22 23 24	9	LISA J. ZASTROW	
11 Las Vegas, Nevada 89113 12 Telephone: (702) 792-7000 13 Fax: (702) 796-7181 13 jsmyth@kenvlaw.com 13 lastrow@kenvlaw.com 14 Attorneys for Westgate Defendants 15 Dated: January 23, 2014 18 By:	10	KAEMPFER CROWELL	
12 Fax: (702) 796-7181 13 jsmyth@kcnvlaw.com 13 lzastrow@kcnvlaw.com 14 Attorneys for Westgate Defendants 15 IT IS SO ORDERED. 16 IT IS SO ORDERED. 17 Dated: January 23, 2014 By: Jointon Johnson 18 GEORGE FOLEY, JR/ 19 United States Magistrate Judge 20 21 21 22 23 24	11	Las Vegas, Nevada 89113	
 Izastrow@kcnvlaw.com Attorneys for Westgate Defendants IT IS SO ORDERED. Dated: January 23, 2014 By: <u>Jeorge Folcy</u> J. GEORGE FOLEY, JR United States Magistrate Judge United States Magistrate Judge 	12	Fax: (702) 796-7181	
 15 16 IT IS SO ORDERED. 17 Dated: January ²³, 2014 By: <u>Junya Juny</u> <u>GEORGE FOLEY, JR</u> United States Magistrate Judge 19 20 21 22 23 24 	13	lzastrow@kcnvlaw.com	
 IT IS SO ORDERED. Dated: January 23, 2014 By: <u>Jeorge Holey</u> GEORGE FOLEY, JR/ United States Magistrate Judge 	14		
17 Dated: January 23, 2014 By: GEORGE FOLEY, JR 18 United States Magistrate Judge 19	15		
GEORGE FOLEY, JR United States Magistrate Judge United States Magistrate Judge 20 21 22 23 24	16	11 Sec	
18 United States Magistrate Judge 19 20 21 22 23 24	17	Dated: January 23, 2014 By:	
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Page 4 of 5	24		
		Page 4 of 5	

1	CERTIFICATE OF SERVICE	
2	I hereby certify that the following DEFENDANTS' UNOPPOSED MOTION FOR AN	
3	EXTENSION OF TIME TO FILE A RESPONSE TO PLAINTIFF'S COMPLAINT	
4	(SECOND REQUEST) was filed with the clerk of the court by using the CM/ECF system on	
5	\mathcal{U} this \mathcal{T}^{μ} day of January, 2014. I also certify that the foregoing document is being served this day	
6	on all counsel of record or pro se parties identified on the Service List below in the manner	
7	specified, either via transmission of Notices of Electronic Filing generated by the CM/ECF	
8	system or in some other authorized manner for those counsel or parties who are not authorized to	
9	receive Notices of Electronic Filing electronically.	
10	SERVICE LIST	
11	SERVICE LIST	
12	Matthew W. Treu Law Office of Matthew W. Treu, P.C.	
13	7201 W. Lake Mead Blvd. Suite 108	
14	Las Vegas, NV 89128 702-838-4580	
15	Fax: 702-552-6002	
16	Email: matthew@treu-law.com <i>Attorney for Plaintiff Attorney for Plaintiff</i>	
17	An employee of Kaempfer Crowell	
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	Page 5 of 5	

EXHIBIT A

Scott Wellikoff

From:Scott WellikoffSent:Friday, January 17, 2014 5:03 PMTo:Scott Wellikoff; 'Matthew Treu'Cc:Jeffrey Backman; Richard Epstein; Michael MarderSubject:RE: (00108.2471) Blue Moon Marketing LLC v Matthews,Westgate et al [IWOV-
ACTIVE.FID8539569]

Matthew,

As we continue to discuss the possible dismissal of Westgate, please allow this correspondence to confirm our conversation where you offered to provide an additional 1 week extension of time for Westgate to respond to the complaint. This extension makes Westgate's response due on or before 1/29/14 and the motion for an extension will advise the court that it is unopposed.

I look forward to keeping the lines of communication open and concluding this matter as it relates to Westgate early next week.

Have a good weekend.

Scott

- '-

GreenspoonMarderLaw

Scott M. Wellikoff, Esq. 200 East Broward Boulevard Suite 1500 Fort Lauderdale, FL 33301 Toll Free - (888)491-1120 Direct Fax - (954)333-4007 Direct Dial - (954)333-4302 Email: <u>scott.wellikoff@gmlaw.com</u> <u>http://www.gmlaw.com</u>

From: Scott Wellikoff Sent: Wednesday, January 15, 2014 5:33 PM To: 'Matthew Treu' Cc: Jeffrey Backman; Richard Epstein; Michael Marder Subject: RE: (00108.2471) Blue Moon Marketing LLC v Matthews,Westgate et al [IWOV-ACTIVE.FID8539569]