

1 JAMES E. SMYTH II
 Nevada Bar No. 6506
 2 LISA J. ZASTROW
 Nevada Bar No. 9727
 3 KAEMPFER CROWELL
 8345 West Sunset Road, Suite 250
 4 Las Vegas, Nevada 89113
 Telephone: (702) 792-7000
 5 Fax: (702) 796-7181
 jsmyth@kcnvlaw.com
 6 lzastrow@kcnvlaw.com
Attorneys for Westgate Defendants

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 8 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

<p>9 BLUE MOON MARKETING, LLC, a Nevada) 10 limited-liability company,) Plaintiffs,) 11 vs.) 12 SCOTT R. MATTHEWS, an individual; TRAVEL) EXCURSION NETWORK, LLC, a Florida limited-) 13 liability company; 4 STAR HOLDINGS LLC, a) Florida limited liability company, ALLAN R.) 14 LEFFLER, an individual; TRACEY L. LEFFLER,) an individual, PRESTIGE TRAVEL SYSTEMS,) 15 INC., a Florida corporation; RON LASCALA, an) 16 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;) WESTGATE RESORTS, LLC, a Florida limited-) 19 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,) Defendants.) 24</p>	<p>Case No. 2:13-cv-02238</p> <p>DEFENDANTS' UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO FILE A RESPONSE TO PLAINTIFF'S COMPLAINT (SECOND REQUEST)</p>
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1 **DEFENDANTS' UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO FILE A**
2 **RESPONSE TO PLAINTIFF'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, *ex parte* or unopposed motions requesting a continuance,
13 extension of time, and any other stipulation requiring an order shall not initially
14 be "Filed" by the Clerk, but shall be marked "Received." Every such stipulation,
15 or *ex parte* or unopposed motion shall include an "Order" in the form of a
16 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
approximately one inch (1") below the last typewritten matter on the right-hand
side of the last page of the stipulation or *ex parte* or unopposed motion..."

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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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.

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WHEREFORE, WESTGATE RESORTS, LTD., WESTGATE RESORTS, LLC, and WESTGATE RESORTS, INC., respectfully request that the Court enlarge the time to file a response to Plaintiff's Complaint so that WESTGATE RESORTS, LTD., WESTGATE RESORTS, LLC, and WESTGATE RESORTS, INC., shall have seven (7) additional days to file a response to Plaintiff's Verified Complaint, making the response due on January 29, 2014

Dated: January 21, 2014


Respectfully Submitted,

By: /s/James E. Smyth II

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) 796-7181
jsmyth@kcnvlaw.com
lzastrow@kcnvlaw.com
Attorneys for Westgate Defendants

IT IS SO ORDERED.

Dated: January 23, 2014

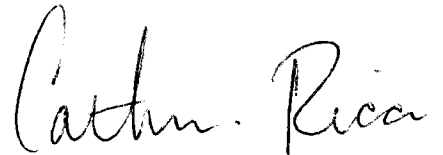
By: 
GEORGE FOLEY, JR.
United States Magistrate Judge

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 this ²²7th 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
12 **Matthew W. Treu**
13 Law Office of Matthew W. Treu, P.C.
14 7201 W. Lake Mead Blvd.
15 Suite 108
16 Las Vegas, NV 89128
17 702-838-4580
18 Fax: 702-552-6002
19 Email: matthew@treu-law.com
20 *Attorney for Plaintiff*

21
22
23
24


An employee of Kaempfer Crowell

EXHIBIT A

Scott Wellikoff

From: Scott Wellikoff
Sent: Friday, January 17, 2014 5:03 PM
To: Scott Wellikoff; '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]

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

GreenspoonMarder LAW

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: scott.welikoff@gmlaw.com
<http://www.gmlaw.com>

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]