

1 GLENN F. MEIER, ESQ.
 Nevada Bar No. 006059
 2 gmeier@nevadafirm.com
 RACHEL E. DONN, ESQ.
 3 Nevada Bar No. 10568
 rdonn@nevadafirm.com
 4 HOLLEY DRIGGS WALCH FINE
 WRAY PUZEY & THOMPSON
 5 400 South Fourth Street, Third Floor
 Las Vegas, Nevada 89101
 6 Telephone: 702/791-0308
 Facsimile: 702/791-1912
 7 *Attorneys for Plaintiff/Counterdefendant*
 BANK OF AMERICA, N.A.

8
9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

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13 BANK OF AMERICA, N.A.

14 Plaintiff,

15 vs.

16 SAMUEL R. BAILEY, an individual; PETE G.
 17 AGUILAR, an individual; and DOES 1 through
 10, inclusive,

18 Defendants.

19 _____
 SAMUEL R. BAILEY,

20 Defendant/Counterclaimant,

21 vs.

22
 23 BANK OF AMERICA, N.A., WESTCOR LAND
 TITLE INSURANCE COMPANY, a Florida
 24 corporation; and NEVADA TITLE COMPANY, a
 Nevada Corporation;

25 _____
 Counterdefendants.

CASE NO. 2:14-cv-00885-JCM-GWF

**STIPULATION AND (PROPOSED)
 ORDER TO EXTEND DEADLINE
 TO FILE PRETRIAL ORDER**

(TENTH REQUEST)

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 27 Plaintiff/Counterdefendant, Bank of America, N.A. (hereinafter "BANA" or "Plaintiff"),
 28 by and through its counsel of record, Rachel E. Donn, Esq. of HOLLEY DRIGGS WALCH

1 FINE WRAY PUZEY & THOMPSON and Defendant/Counterclaimant SAMUEL R. BAILEY
2 (hereinafter "Bailey" or "Defendant"), by and through his counsel of record, Frank M.
3 Flansburg, III, Esq. of SCHWARTZ FLANSBURG PLLC hereby agree and stipulate to extend
4 the deadline to file the Pretrial Order which is currently due on November 20, 2017, as follows:

5 Based on the following, the parties hereto respectfully request a 90-day extension to file
6 the Pretrial Order as follows:

- 7 1. The Parties stipulated to new deadlines on August 5, 2016 (ECF No. 64).
- 8 2. Thereafter, the Parties attended a Mediation at which some of the claims were
9 resolved.
- 10 3. Between Plaintiff/Counterdefendant BANA and Defendant/Counterclaimant
11 Bailey, the case was not resolved.
- 12 4. Following the Mediation, Defendant/Counterclaimant Bailey took the deposition
13 of the 30(b)(6) designee for Plaintiff/Counterdefendant BANA. The date for the
14 30(b)(6) deposition had been set prior to Mediation and was set forth and
15 contemplated in the August 5, 2016 discovery stipulation (EFC No. 64).
- 16 5. Plaintiff/Counterdefendant BANA filed a Motion for Summary Judgment on
17 October 14, 2016 (ECF No. 68).
- 18 6. Defendant/Counterclaimant Bailey filed a Motion for Summary Judgment on
19 October 31, 2016 (ECF No. 70).
- 20 7. On June 22, 2017, the Court granted in part and denied in part
21 Plaintiff/Counterdefendant BANA's Motion for Summary Judgment (ECF No.
22 76).
- 23 8. On June 22, 2017, the Court denied Defendant/Counterclaimant Bailey's Motion
24 for Summary Judgment (ECF No. 76).
- 25 9. On July 19, 2017, BANA filed a Motion to Bifurcate Trial (EFC No. 77).
- 26 10. On August 2, 2017, Defendant/Counterclaimant Bailey filed a Response to
27 Motion to Bifurcate Trial (ECF No. 80).
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- 1 11. On August 18, 2017, Plaintiff/Counterdefendant BANA filed a Reply to its
2 Motion to Bifurcate Trial (ECF No. 84).
- 3 12. On August 18, 2017, the Court granted a Stipulation to Extend Time to Reply to
4 Motion to Bifurcate (ECF No. 86).
- 5 13. On September 21, 2017, the Court denied the Motion to Bifurcate Trial (ECF No.
6 88).
- 7 14. On October 23, 2017, the Court granted a Stipulation and Order to Extend
8 Deadline to File Pretrial Order (9th Request) (ECF No. 90).
- 9 15. The Parties are working together to determine whether any additional discovery
10 may be produced following the deposition and may lead to a potential discovery
11 motion.
- 12 16. The Parties are requesting additional time to file the Pretrial Order to allow for a
13 mediation to take place on January 10, 2018.

14 **LR26-4 statement:**

15 Good cause and/or excusable neglect exist to extend the Pretrial Order deadline because a
16 mediation is scheduled for January 10, 2018 which can affect the scope of the Pretrial Order and
17 the parties are in settlement discussions at this time.

18 The deadline to file the Pretrial Order is November 20, 2017 and the Parties request a 90-
19 day extension or until February 16, 2018.

20 **IT IS SO STIPULATED.**

<p>21 Dated this 14th day of November, 2017</p> <p>22 HOLLEY DRIGGS WALCH FINE</p> <p>23 WRAY PUZEY & THOMPSON</p> <p>24 By: <u>/s/ Rachel E. Donn</u></p> <p>25 Glenn F. Meier, Esq.</p> <p>26 Nevada Bar No. 006059</p> <p>27 Rachel E. Donn, ESQ.</p> <p>28 Nevada Bar No. 010568</p> <p> 400 S. Fourth St, 3rd Fl.</p> <p> Las Vegas, Nevada 89101</p> <p> Attorneys for Plaintiff-Counterdefendant</p> <p> Bank of America, N.A.</p>	<p> Dated this 14th day of November, 2017</p> <p> SCHWARTS FLANSBURG PLLC</p> <p> By: <u>/s/ Frank M. Flansburg</u></p> <p> Frank M. Flansburg, Esq.</p> <p> Nevada Bar No. 6974</p> <p> 6623 Las Vegas Blvd., Suite 300</p> <p> Las Vegas, NV 89119</p> <p> Attorneys for Defendant/Counterclaimant</p> <p> Samuel R. Bailey</p>
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ORDER

Based on the foregoing, IT IS SO ORDERED that the time to file the Pretrial Order be extended for approximately 90 days or no later than February 16, 2018

DATED this 15 day of November, 2017.


UNITED STATES MAGISTRATE JUDGE

1 Submitted by:

2 HOLLEY DRIGGS WALCH FINE
3 WRAY PUZEY & THOMPSON

4 By: /s/ Rachel E. Donn

5 Glenn F. Meier, Esq.
6 Nevada Bar No. 006059
7 Rachel E. Donn, ESQ.
8 Nevada Bar No. 010568
9 400 S. Fourth Street, Third Floor
10 Las Vegas, Nevada 89101
11 *Attorneys for Plaintiff/Counterdefendant*
12 *Bank of America, N.A.*

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14th day of November, 2017, a true copy of the **PROPOSED STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINE TO FILE PRETRIAL ORDER (TENTH REQUEST)** was served upon each of the parties via electronic service through the United States District Court of the District of Nevada's ECF system:

Frank M. Flansburg, Esq. Brian Blankenship, Esq. Schwartz Flansburg PLLC 6623 Las Vegas Blvd., Suite 300 Las Vegas, NV 89119 T: (702) 385-5544 Emails: frank@nvfirm.com brian@nvfirm.com Attorneys for Defendant/Counterclaimant Samuel R. Bailey	
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/s/ C. Kelley
an employee of Holley Driggs Walch Fine
Wray Puzey & Thompson