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

25 _____
 Counterdefendants.

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

26 **STIPULATION AND ~~(PROPOSED)~~
 27 ORDER TO EXTEND DEADLINE
 28 TO FILE PRETRIAL ORDER**

(ELEVENTH REQUEST)

26 Plaintiff/Counterdefendant, Bank of America, N.A. (hereinafter "BANA" or "Plaintiff"),
 27 by and through its counsel of record, Rachel E. Donn, Esq. of HOLLEY DRIGGS WALCH
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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 participated in a mediation which took place on January 10, 2018.
 10 16. The Parties continued after the January 10, 2018 mediation to discuss potential
 11 settlement.
 12 17. The Parties request additional time to either resolve the matter or finalize the joint
 13 pretrial order.

14 **LR26-4 statement:**

15 Good cause and/or excusable neglect exist to extend the Pretrial Order deadline because a
 16 mediation was held on January 10, 2018. The parties continue to be in settlement discussions.

17 The deadline to file the Pretrial Order is February 16, 2018 and the Parties request a 30-
 18 day extension or until March 19, 2018.

19 **IT IS SO STIPULATED.**

<p>20 Dated this 16th day of February, 2018</p> <p>21 HOLLEY DRIGGS WALCH FINE</p> <p>22 WRAY PUZEY & THOMPSON</p> <p>23 By: <u>/s/ Rachel E. Donn</u></p> <p>24 Glenn F. Meier, Esq.</p> <p>25 Nevada Bar No. 006059</p> <p>26 Rachel E. Donn, ESQ.</p> <p>27 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 16th day of February, 2018</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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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 16th day of February, 2018, a true copy of the **PROPOSED STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINE TO FILE PRETRIAL ORDER (ELEVENTH 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	

_____/s/ S. Renee Hoban_____
an employee of Holley Driggs Walch Fine
Wray Puzey & Thompson