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 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.
 AGUILAR, an individual; and DOES 1 through
 17 10, inclusive,
 18 **Defendants.**

CASE NO. 2:14-cv-00885-JCM-GWF
STIPULATION AND (PROPOSED)
ORDER TO EXTEND DEADLINE
TO FILE PRETRIAL ORDER

(TWELFTH REQUEST)

19
 20 SAMUEL R. BAILEY,
 21 **Defendant/Counterclaimant,**
 22 *vs.*
 23 BANK OF AMERICA, N.A., WESTCOR LAND
 24 TITLE INSURANCE COMPANY, a Florida
 corporation; and NEVADA TITLE COMPANY, a
 25 Nevada Corporation;
 26 **Counterdefendants.**

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

1 DRIGGS WALCH FINE WRAY PUZEY & THOMPSON and Defendant/Counterclaimant
2 SAMUEL R. BAILEY (hereinafter “Bailey” or “Defendant”), by and through his counsel of
3 record, Frank M. Flansburg, III, Esq. of SCHWARTZ FLANSBURG PLLC hereby agree and
4 stipulate to extend the deadline to file the Pretrial Order which is currently due on March 19,
5 2018, as follows:

6 Based on the following, the parties hereto respectfully request a 30-day extension to file
7 the Pretrial Order as follows:

- 8 1. The Parties stipulated to new deadlines on August 5, 2017 (ECF No. 64).
- 9 2. Thereafter, the Parties attended a Mediation at which some of the claims were
10 resolved.
- 11 3. Between Plaintiff/Counterdefendant BANA and Defendant/Counterclaimant
12 Bailey, the case was not resolved.
- 13 4. Following the Mediation, Defendant/Counterclaimant Bailey took the deposition
14 of the 30(b)(6) designee for Plaintiff/Counterdefendant BANA. The date for the
15 30(b)(6) deposition had been set prior to Mediation and was set for and
16 contemplated in the August 5, 2016 discovery stipulation (ECF No. 64).
- 17 5. Plaintiff/Counterdefendant BANA filed a Motion for Summary Judgment on
18 October 14, 2016 (ECF No. 68).
- 19 6. Defendant/Counterclaimant Bailey filed a Motion for Summary Judgment on
20 October 31, 2016 (ECF No. 70).
- 21 7. On June 22, 2017, the Court granted in part and denied in part
22 Plaintiff/Counterdefendant BANA’s Motion for Summary Judgment (ECF NO.
23 76).
- 24 8. On June 22, 2017, the Court denied Defendant/Counterclaimant Bailey’s Motion
25 for Summary Judgment (ECF No. 76)
- 26 9. On July 19, 2017, BANA filed a Motion to Bifurcate Trial (ECF No. 77).
- 27 10. On August 2, 2017, Defendant/Counterclaimant Bailey filed a Response to
28 Motion to Bifurcate Trial (ECF No. 80).

- 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 requested additional time to either resolve the matter or finalize the
- 13 Joint Pretrial Order.
- 14 18. On February 21, 2018, the Court granted the Parties' Stipulation to Extend the
- 15 Deadline to File Pretrial Order (Eleventh Request) (ECF 94).

16 **LR26-4 statement:**

17 Good cause and/or excusable neglect exist to extend the Pretrial Order deadline because a
18 mediation was held on January 10, 2018 and the Parties need time to allow for additional
19 settlement discussions.

20 The current deadline to file the Pretrial Order is March 19, 2018 and the parties request
21 an additional 30-day extension or until April 18, 2018.

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1 **IT IS SO STIPULATED:**

2 Dated this 16 th day of March, 2018	Dated this 16 th day of March, 2018
3 HOLLEY DRIGGS WALCH FINE	SCHWARTS FLANSBURG PLLC
4 WRAY PUZEY & THOMPSON	
5 By: <u>/s/ Rachel E. Donn, Esq.</u>	By: <u>/s/ Frank M. Flansburg, Esq.</u>
6 Glenn F. Meier, Esq.	Frank M. Flansburg, Esq.
7 Nevada Bar No. 006059	Nevada Bar No. 6974
8 Rachel E. Donn, ESQ.	6623 Las Vegas Blvd., Suite 300
9 Nevada Bar No. 010568	Las Vegas, NV 89119
400 S. Fourth St, 3 rd Fl.	<i>Attorneys for Defendant/Counterclaimant</i>
Las Vegas, Nevada 89101	<i>Samuel R. Bailey</i>
<i>Attorneys for Plaintiff-Counterdefendant</i>	
<i>Bank of America, N.A.</i>	

10
11 **ORDER**

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14 Based on the foregoing, **IT IS SO ORDERED** that the time to file the Pretrial Order be
15 extended for approximately 30 days or no later than April 18, 2018.

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17 DATED this 19 day of March, 2018.


UNITED STATES MAGISTRATE JUDGE

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20 Respectfully submitted by:

21 HOLLEY DRIGGS WALCH FINE
22 WRAY PUZEY & THOMPSON

23
24 By: /s/ Rachel E. Donn, Esq.
25 Glenn F. Meier, Esq.
26 Nevada Bar No. 06059
27 Rachel E. Donn, Esq.
28 Nevada Bar No. 10658
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 16th day of March, 2018, a true copy of the **[PROPOSED] STIPULATION AND ORDER TO EXTEND PRETRIAL ORDER DEADLINE (TWELFTH REQUEST)** was deposited in the United States mail in Las Vegas, Nevada, postage prepaid, addressed to the following, with a courtesy copy to the e-mail addresses shown below:

<p>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</p>	<p>Terry A. Moore, Esq. MARQUIS AURBACH & COFFING 10001 Park Run Drive Las Vegas, Nevada 89145 Email: tmoore@maclaw.com Attorneys for Counterdefendants: Westcor Land Title Insurance Company and Nevada Title Company</p>
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/s/ Cynthia Kelley
an employee of Holley Driggs Walch Fine
Wray Puzey & Thompson