

1 Sheri M. Thome, Esq.
Nevada Bar No. 008657
2 L. Joe Coppedge, Esq.
Nevada Bar No. 004954
3 Chad C. Butterfield, Esq.
Nevada Bar No. 010532
4 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP
300 South Fourth Street, 11th Floor
5 Las Vegas, Nevada 89101
(702) 727-1400; FAX (702) 727-1401
6 Sheri.Thome@wilsonelser.com
L.Joe.Coppedge@wilsonelser.com
7 Chad.Butterfield@wilsonelser.com
Attorneys for Defendant Nevada Title Company

8
9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 FEDERAL DEPOSIT INSURANCE
CORPORATION AS RECEIVER OF
12 WASHINGTON MUTUAL BANK,

13 Plaintiff,

14 v.

15 NEVADA TITLE COMPANY, a Nevada
corporation,

16 Defendants.
17

CASE NO: 2:14-cv-01567-GMN-GWF

**STIPULATION AND ~~Proposed~~ ORDER
TO EXTEND DISCOVERY DEADLINES,
PURSUANT TO LR 26-4**

(Second Request for Extension)

18 Plaintiff, Federal Deposit Insurance Corporation as Receiver of Washington Mutual Bank
19 (“FDIC-R”) and Defendant, Nevada Title Company (“Nevada Title”) (collectively the “Parties”), by
20 and through their respective counsel, hereby file this Stipulation to Extend Discovery Deadlines.
21 This request complies with Local Rules (“LR”) 6-1, 6-2, 7-1, and 26-4, and is based on good cause
22 because the litigation of this matter will be best served by the proposed extension.

23 **A. INTRODUCTION**

24 This case arises out of Nevada Title’s closing of a real estate transaction that was funded, in
25 part, by a loan issued by Washington Mutual Bank. The real estate transaction was subsequently
26 determined to have been a fraud perpetrated by the seller, buyer, and others involved in the
27 transaction. FDIC-R contends Nevada Title failed to comply with the Washington Mutual Bank’s
28

1 Closing Instructions, which allegedly caused it to sustain damages when the buyer defaulted on the
2 loan.

3 **B. CURRENT SCHEDULE**

4 The Complaint in this matter was filed on September 24, 2014, and was served upon Nevada
5 Title on December 19, 2014. Nevada Title filed its Answer to the Complaint on January 15, 2015.
6 On March 10, 2015, the Parties filed a Joint Discovery Plan and Scheduling Order, which the Court
7 approved on March 11, 2015. On April 22, 2015, the parties submitted a Stipulation and [Proposed]
8 Order to Extend Discovery Deadline Pursuant to LR26-4 (First Request for Extension), which was
9 approved by the Court on April 23, 2015 (Doc. 18), setting forth the following relevant deadlines:

- | | | | |
|----|----|------------------------------|--------------------|
| 10 | 1. | Discovery Cut-Off: | September 12, 2015 |
| 11 | 2. | Initial Expert Disclosures: | July 14, 2015 |
| 12 | 3. | Rebuttal Expert Disclosures: | August 14, 2015 |
| 13 | 4. | Dispositive Motions: | October 12, 2015 |
| 14 | 5. | Interim Status Report: | July 14, 2015 |
| 15 | 6. | Joint Pretrial Order: | November 10, 2015 |

16 **C. PROPOSED SCHEDULE**

17 The parties propose extending the above-referenced deadlines by sixty (60) days, as follows:

- | | | | |
|----|----|------------------------------|----------------------------------|
| 18 | 1. | Discovery Cut-Off: | November 12, 2015 |
| 19 | 2. | Initial Expert Disclosures: | September 14, 2015 |
| 20 | 3. | Rebuttal Expert Disclosures: | October 13, 2015 |
| 21 | 4. | Dispositive Motions: | December 11, 2015 |
| 22 | 5. | Interim Status Report: | September 14, 2015 |
| 23 | 6. | Joint Pretrial Order: | January 11, 2015 2016 |

24 **D. DISCOVERY COMPLETED BY THE PARTIES**

25 Both parties have served their initial disclosures.

26 On March 10, 2015, FDIC-R served its First Set of Interrogatories, Requests for Admission,
27 and Requests for Production upon Nevada Title. Nevada Title served its responses April 27, 2015.

1 On March 24, 2015, Nevada Title served its First Set of Interrogatories, Requests for
2 Admission, and Requests for Production upon FDIC-R. FDIC-R served its responses to Nevada
3 Title Requests for Admission and Requests for Production on May 22, 2015.

4 The deposition of percipient witness Rebecca Raymond Soto was taken on May 29, 2015.

5 **E. DISCOVERY REMAINING TO BE COMPLETED**

6 Nevada Title has agreed to multiple extensions of the response date related to FDIC-R's
7 responses to Nevada Title's First Set of Interrogatories. The FDIC-R's responses are currently due
8 June 29, 2015;

9 Deposition of percipient witness Doug Chalmers;

10 Deposition of percipient witness Michael Chalmers;

11 Deposition of percipient witness Nikki Sikalis-Botts;

12 Deposition of Rule 30(b)(6) witness(es) for FDIC-R was noticed on June 5, 2015 to take
13 place on June 25, 2015. Counsel for the FDIC-R has indicated that multiple witnesses will required
14 to address the identified topics, and that the noticed date will need to be re-scheduled. The parties
15 anticipate re-scheduling the deposition of the Rule 30(b)(6) witnesses for the FDIC-R.

16 Deposition of Rule 30(b)(6) witness(es) for Nevada Title;

17 Expert disclosures; and

18 Depositions of the Parties' expert witnesses.

19 **F. STATEMENT OF GOOD CAUSE SUPPORTING THIS REQUEST**

20 Good cause exists for extending the expert disclosures and discovery cut-off. The parties
21 have diligently commenced discovery, with both parties having served extensive written discovery
22 requests, and with the exception of the FDIC-R's responses to Nevada Title's interrogatories, both
23 parties responded to such written discovery requests. Further, the parties have taken the deposition
24 of one percipient witness, Rebecca Raymond Soto. However, the FDIC-R had some difficulty in
25 locating information responsive to Nevada Title's written discovery requests, in part, because
26 Washington Mutual is a failed bank that has not been operational since September 2008, which
27 required multiple extensions of the response date. Nevada Title has agreed to such extensions in
28 good faith, which is the only written discovery responses that remain outstanding. In addition, the

1 parties anticipate that the FDIC-R's Rule 30(b)(6) deposition currently scheduled for June 25, 2015
2 will be re-scheduled to accommodate witness schedules. The Parties' experts would benefit from
3 having access to the Parties' complete written discovery responses and the scheduled deposition
4 testimony in order to form their opinions. Accordingly, the Parties respectfully submit that good
5 cause exists for the requested sixty (60) day extension to the discovery deadlines set forth above.

6 DATED this 22 day of June, 2015

DATED this 22nd day of June, 2015

7 **WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP** **KOLESAR & LEATHAM**
8

9
10 BY: 

Sheri M. Thome, Esq.
Nevada Bar No. 008657
L. Joe Coppedge, Esq.
Nevada Bar No. 004954
Chad C. Butterfield, Esq.
Nevada Bar No. 010532
300 South Fourth Street, 11th Floor
Las Vegas, Nevada 89101
Attorneys for Defendant Nevada Title Company

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
BY: 

Randolph L. Howard, Esq.
Nevada Bar No. 006688
Shlomo S. Sherman, Esq.
Nevada Bar No. 009688
400 South Rampart Blvd., Suite 400
Las Vegas, Nevada 89145
*Attorneys for Plaintiff F.D.I.C. as Receiver
for Washington Mutual Bank*

ORDER

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: June 24, 2015