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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 DEADLINE FOR EXPERT
DISCLOSURE ONLY PURSUANT TO LR**

26-4

(Third Request for Extension)

18 Plaintiff, Federal Deposit Insurance Corporation as Receiver of Washington Mutual Bank
19 (“FDIC”) 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 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 June 24, 2015, this Court approved a Stipulation and [Proposed]
8 Order to Extend Discovery Deadline Pursuant to LR26-4 (Second Request for Extension), (Doc. 20),
9 setting forth the following relevant deadlines as follows:

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

16 **C. PROPOSED SCHEDULE**

17 The parties propose extending the deadline for Initial Expert Disclosures by four (4) days as
18 follows:

- | | | | |
|----|----|-----------------------------|--------------------|
| 19 | 2. | Initial Expert Disclosures: | September 18, 2015 |
|----|----|-----------------------------|--------------------|

20 All other deadlines shall remain in effect.

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

22 Both parties have served their initial disclosures.

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

25 On March 24, 2015, Nevada Title served its First Set of Interrogatories, Requests for
26 Admission, and Requests for Production upon FDIC. FDIC served its responses to Nevada Title
27 Requests for Admission and Requests for Production on May 22, 2015.

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

1 The deposition of Nicole Sikalis Bott was taken on July 22, 2015.

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

3 Deposition of Doug Chalmers;

4 Deposition of Michael Chalmers;

5 Deposition of Tracy Aguilar

6 Deposition of Patricia Watanabe

7 Deposition of Chris O'Brien

8 Deposition of Rule 30(b)(6) witness(es) for FDIC scheduled for October 23, 2015.

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

10 Expert disclosures; and

11 Depositions of the Parties' expert witnesses.

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

13 Good cause exists for extending the expert disclosures. The parties have diligently
14 commenced discovery, with both parties having served written discovery requests and responded to
15 such written discovery requests, including the exchange of several thousand pages of documents.
16 Further, the parties have taken the depositions of percipient witnesses, Rebecca Raymond Soto and
17 Nikki Sikalis-Bott. Both parties have retained experts, and the reports of such experts are virtually
18 complete, but a brief extension is required to allow the experts to complete their reports.
19 Accordingly, the parties have agreed to extend the deadline for submitting expert reports for an
20 additional four (4) days to September 18, 2015 to allow such experts to finalize their reports. No
21 other dates are extended by this request. Accordingly, this stipulation does not interfere with the

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1 time set for completion of discovery. Excusable Neglect exists for submitting this stipulation within
2 twenty-one (21) days before the deadline for making Initial Expert Disclosures as it was not known
3 at that time a brief extension of four (4) days would be required.
4

5 DATED this ___ day of September, 2015

DATED this ___ day of September, 2015

6 **WILSON, ELSER, MOSKOWITZ, EDELMAN**
7 **& DICKER LLP**

KOLESAR & LEATHAM

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9 BY: /s/ L. Joe Coppedge

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18 *for Washington Mutual Bank*

19 **ORDER**

20 **GOOD CAUSE SHOWN, IT IS SO ORDERED**

21 Dated this 15th day of September, 2015

22 
23 _____
24 UNITED STATES MAGISTRATE JUDGE