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8 **UNITED STATES DISTRICT COURT**  
 9 **DISTRICT OF NEVADA**

10 GUILD MORTGAGE COMPANY, a foreign  
 11 corporation,  
 12 **Plaintiff,**  
 13 v.  
 14 PRESTWICK COURT TRUST; CANYON  
 CREST MASTER ASSOCIATION, a not for  
 15 profit corporation  
 16 **Defendants.**

Case No. 2:15-cv-00258-JCM-VCF

**STIPULATION AND ORDER TO  
 EXTEND DISPOSITIVE MOTIONS  
 DEADLINE**

**(First Request)**

17 PRESTWICK COURT TRUST,  
 18 **Counter-Claimant,**  
 19 v.  
 20 GUILD MORTGAGE COMPANY, a foreign  
 corporation,  
 21 **Counter-Defendant**

23 Defendant, Canyon Crest Master Association (“HOA”), Defendant, Prestwick Court  
 24 Trust (“Prestwick”), and Plaintiff, Guild Mortgage Company (“GMC”) hereby stipulate to extend  
 25 the dispositive motions deadline for sixty (60) days due to the substitution of HOA’s counsel on  
 26 April 27, 2017.

27 This is the parties’ first request to extend the dispositive motions deadline.

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1 **I. FACTUAL BACKGROUND**

2 On February 12, 2015, GMC filed its complaint against HOA and Prestwick for quiet title  
3 and declaratory relief. [ECF No. 1]. On April 27, 2017, the Court entered an order granting  
4 HOA's Motion to Substitute Attorney, in which Christopher B. Anthony, Esq. of the law firm  
5 of Boyack, Orme & Anthony became HOA's attorney of record.

6 **II. DISCOVERY COMPLETED TO DATE**

- 7 1. GMC, HOA, and Prestwick all produced their initial disclosures pursuant to  
8 FRCP 26.
- 9 2. All parties have responded to written discovery.
- 10 3. FRCP 30(b)(6) Witness for Alessi & Koenig, LLC was deposed.
- 11 4. FRCP 30(b)(6) Witness for HOA was deposed.
- 12 5. FRCP 30(b)(6) Witness for Prestwick was deposed.
- 13 6. GMC disclosed its expert appraiser.
- 14 7. Prestwick disclosed its expert appraiser.

15 **III. DISCOVERY REMAINING TO BE COMPLETED**

16 None.

17 **IV. REASONS AND GOOD CAUSE TO EXTEND DEADLINE**

18 To establish good cause, one must show the party cannot reasonably meet the deadlines  
19 despite the diligence of the party seeking the extension. *See Coleman v. Quaker Oats Co.*, 232  
20 F.3d 1271, 1294-95 (9th Cir. 2000); *Mendez v. Fiesta Del Norte Home Owners Ass'n*, No. 2:15-  
21 cv-314-RCJ-NJK, 2016 WL 1643780, at \*3 (D. Nev. Apr. 26, 2016).

22 On April 27, 2017, the Court entered an order granting HOA's Motion to Substitute  
23 Attorney, thereby appointing the law firm of Boyack Orme & Anthony as HOA's counsel of  
24 record. The HOA was previously represented by Alessi & Koenig, LLC, which has thus far not  
25 complied with the HOA's request for discovery and other documents issued prior to new  
26 counsel's retention. Accordingly, the HOA requests additional time, such that it may obtain such  
27 prior discovery and submit motion practice supported by all applicable evidence. Therefore, good  
28 cause exists to extend the dispositive motion deadline, currently set on July 17, 2017, by sixty

1 (60) days to September 15, 2017.

2 **V. PROPOSED SCHEDULE FOR CONDUCTING REMAINING DISCOVERY**

- |   |    |                                       |                        |
|---|----|---------------------------------------|------------------------|
| 3 | a. | Initial expert disclosures:           | NO EXTENSION REQUESTED |
| 4 | b. | Rebuttal expert disclosures:          | NO EXTENSION REQUESTED |
| 5 | c. | Motions to amend pleadings/parties:   | NO EXTENSION REQUESTED |
| 6 | d. | Discovery cutoff:                     | NO EXTENSION REQUESTED |
| 7 | e. | Deadline to file dispositive motions: | September 15, 2017     |

8 **VI. CURRENT TRIAL DATE**

9 No trial date has been set.

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1 **VII. CONCLUSION**

2 The parties believe good cause exists to extend the dispositive motion deadline.

3 Dated this 14<sup>th</sup> day of July, 2017

4 **IT IS SO STIPULATED**

<p>5 <b>BOYACK ORME &amp; ANTHONY</b></p> <p>6</p> <p>7 <u>/s/ Christopher B. Anthony</u> Edward D. Boyack, Esq. Nevada Bar No. 5229 Christopher B. Anthony, Esq. Nevada Bar No. 9748 7432 W. Sahara Avenue, Suite 101 Las Vegas, Nevada 89117 <i>Attorney for Defendant, Canyon Crest Master Association</i></p>	<p><b>MCCARTHY HOLTHUS LLP</b></p> <p>8</p> <p>9 <u>/s/ Thomas N. Beckom</u> Kristin A. Schuler-Hintz, Esq. Nevada Bar No. 7171 Thomas N. Beckom, Esq. Nevada Bar No. 12554 9510 W. Sahara Ave., Suite 200 Las Vegas, Nevada 89117 <i>Attorney for Plaintiff, Guild Mortgage Company</i></p>
<p>12 <b>LAW OFFICES OF MICHAEL F. BOHN, ESQ., LTD.</b></p> <p>13</p> <p>14 <u>/s/ Michael F. Bohn</u> Michael F. Bohn, Esq. Nevada Bar No. 1641 376 E. Warm Springs Rd., Suite 140 Las Vegas, NV 89119 <i>Attorney for Defendant, Prestwick Court Trust</i></p>	

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19 **IT IS SO ORDERED**

20 Dated this 1<sup>st</sup> day of August, 2017

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25 UNITED STATES MAGISTRATE JUDGE