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14 *Attorneys for Plaintiff*

15
 16 **UNITED STATES DISTRICT COURT**
 17 **DISTRICT OF NEVADA**

18 PHILIP MONTANA JR.,

19 Plaintiff,

20 v.

21 CAPITAL ONE BANK (USA), N.A., TD
 22 BANK, N.A., EXPERIAN INFORMATION
 23 SOLUTIONS, INC, and TD BANK USA,
 24 N.A.,

25 Defendants.

Case No. 2:15-cv-00453-GMN-PAL

**REQUEST AND STIPULATION TO
 EXTEND TIME FOR DEFENDANT
 TD BANK, N.A. TO RESPOND TO
 PLAINTIFF'S FIRST AMENDED
 COMPLAINT**

26 On December 14, 2015, Plaintiff Philip Montana, Jr. ("Plaintiff") and Defendant TD
 27 Bank, N.A. ("TD Bank") by and through their respective counsel, hereby stipulate and agree as
 28 follows:

1. Plaintiff filed a Complaint in this action on March 12, 2015.

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- 2. On November 17, 2015, TD Bank filed a motion to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b)(2) suggesting that TD Bank USA, N.A. was likely the appropriate defendant in this case.
- 3. Plaintiff filed a First Amended Complaint on November 25, 2015 naming TD Bank USA, N.A. as a defendant.
- 4. Plaintiff and TD Bank, N.A. will stipulate to dismiss TD Bank, N.A. without prejudice, once TD Bank USA, N.A. appears in this action.
- 5. This is the first request for an extension of this deadline made by the parties.¹

Dated: December 14, 2015.

KAZEROUNI LAW GROUP

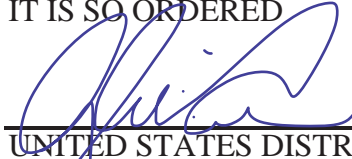
DUANE MORRIS

/s/ Michael Kind
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/s/ Daniel B. Heidtke
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 Attorney for TD Bank, N.A.

ORDER

IT IS SO ORDERED



UNITED STATES DISTRICT JUDGE

DATED: Dec 15, 2015

1. In entering this Request and Stipulation, T.D. Bank, N.A., retains its position that this Court lacks personal jurisdiction over T.D. Bank, N.A., as set forth in T.D. Bank, N.A.'s Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(2) [Doc. 24]. This Request and Stipulation is entered consistent with the points and authorities set forth in T.D. Bank, N.A.'s Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(2) [Doc. 24], and is submitted in good faith.

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 14th day of December 2015, service of the foregoing
3 REQUEST AND STIPULATION TO EXTEND TIME FOR DEFENDANT TD BANK, N.A.
4 TO RESPOND TO PLAINTIFF'S FIRST AMENDED COMPLAINT was sent via CM/ECF to
5 all parties appearing in this case:
6

7 **Timothy R. Mulliner**

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representing

TD Bank N.A.
(Defendant)

14 By: /s/ Michael Kind

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