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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

The Estate of MARILYN BURGARD,
Deceased, by and through KEVIN HORAN
its Special Administrator,

Plaintiff,

vs.

BANK OF AMERICA, N.A., a foreign
Corporation; AETNA LIFE INSURANCE
COMPANY, a foreign Corporation; DOES I
through X; and ROE CORPORATIONS I
through X.

Defendants.

RFB
CASE NO.: 2:15-cv-00833-RFB-GWF

**STIPULATION AND ORDER EXTENDING THE TIME TO FILE OPPOSITION TO
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT REGARDING ERISA
PREEMPTION AND ELIGIBILITY FOR BENEFITS
(Second Request)**

The Parties have stipulated to give Plaintiff a forty one (41) day extension of time to file the
Opposition to Defendants' Motion for Summary Judgment Regarding ERISA Preemption and
Eligibility for Benefits (ECF No. 47) in this matter. The reasons supporting this stipulation are as
follows: The Honorable Magistrate George Foley, Jr. issued a September 9, 2016 Order, granting

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1 in part and denying in part Defendants’ Motion for Protective Order (ECF Nos. 39 and 50). The
2 Honorable Magistrate Foley is permitting Plaintiff to take the deposition of one Rule 30(b)(6)
3 representative and the parties have agreed that it would be most efficient for said deposition to be
4 completed before Plaintiff opposes the Motion for Summary Judgment. Given the calendars of both
5 parties we have a tentative date of November 16, 2016 for the deposition(s) to take place.
6

7 The Parties request a forty-one day extension of time, up to and including, December 14,
8 2016, for Plaintiff to file its Opposition. This is the second extension of time requested by the Parties
9 related to this Motion (ECF No. 47).

10 The Parties also request that Defendant have up to and including, January 15, 2017 for
11 Defendants’ to file their Reply to Plaintiff’s Opposition to Defendants’ Motion for Summary
12 Judgment Regarding ERISA Preemption and Eligibility for Benefits, due to the holiday schedule that
13 will take place during the reply briefing time line.
14

15 IT IS STIPULATED AND AGREED by and between the parties that Plaintiff shall have up
16 to and including Defendant 14, 2016, to file its Opposition to Defendants’ Motion for Summary
17 Judgment Regarding ERISA Preemption and Eligibility for Benefits (ECF No. 47).
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1 IT IS STIPULATED AND AGREED by and between the parties that Defendant have up to
2 and including, January 15, 2017 for Defendants' to file their Reply to Plaintiff's Opposition to
3 Defendants' Motion for Summary Judgment Regarding ERISA Preemption and Eligibility for
4 Benefits.

5 Dated this 31st day of October, 2016.

Dated this 31st day of October, 2016.

6
7 /s/ Jerome R. Bowen, Esq.
8 JEROME R. BOWEN, ESQ.
Nevada Bar No. 4540
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Company and Bank of America

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14 IT IS SO ORDERED.

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18 RICHARD F. BOULWARE, II
United States District Judge

DATED this 7th day of November, 2016.