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7 **UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF NEVADA**

11 **KIM VANAMANN, individually and on**
behalf of others similarly situated,
12 **Plaintiff,**
13 **v.**
14 **NATIONSTAR MORTGAGE LLC,**
15 **Defendant.**

Case No. 2:15-cv-00906-KJD-NJK
JOINT MOTION TO CONTINUE
DEADLINE TO FILE PRETRIAL ORDER

17 Plaintiff, Kim Vanamann, by counsel, and Defendant Nationstar Mortgage, LLC, by
18 counsel, pursuant to Fed. R. Civ. P. 6(b) and Local Rule 6-1, respectfully request that this Court
19 continue the deadline for the parties to file a joint Pretrial Order for the reasons set forth below.
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21 The current Stipulated Discovery Plan and Scheduling Order (“Scheduling Order”) (Dkt.
22 No. 17) directs the parties to file a Pretrial Order by May 5, 2016. The Scheduling Order also
23 sets forth the bifurcated discovery plan approved by the Court. (*Id.*) Phase I discovery was
24 limited to the merits of the named Plaintiff’s individual claims under the Fair Credit Reporting
25 Act and evidence necessary for the parties to litigate class certification. (*Id.* at p. 2.) Within
26 fourteen (14) days of the Court’s rulings on the parties’ motions for summary judgment and
27 Plaintiff’s motion for class certification, the parties must file a proposed discovery plan regarding
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1 Phase II of this action. In sum, the Scheduling Order bifurcated discovery because of the
2 proposed class-nature of this action. Briefing on dispositive motions has not finished at this
3 point, nor has a schedule for Phase II discovery been entered.

4 The interests of both parties and judicial efficiency will be furthered by continuing the
5 deadline to file a Pretrial Order until Phase II – including after the Court rules on Nationstar’s
6 Motion for Summary Judgment (Dkt. No. 41) and Plaintiff’s Motion to Certify Class (Dkt. No.
7 43). Critical factual and legal issues – including whether this case should proceed on a class
8 basis – are the subject of the parties’ pending motions. Determination of a trial date, as well as
9 proper stipulations, exhibits, and witnesses, cannot be accomplished without Phase II discovery
10 and rulings on those motions. Moreover, depending on the outcome of Plaintiff’s Motion to
11 Certify a Class, a notice period may be required and either party may pursue an appeal under
12 Fed. R. Civ. P. 23(f). These issues affect the timeline of the action and will be most efficiently
13 addressed by the parties and the Court in the Phase II discovery plan contemplated in the
14 Scheduling Order. Indeed, a number of the items included in the Pretrial Order may be mooted
15 by the Court’s ruling on the pending motions.

16 Accordingly, the parties request that the deadline to file a Pretrial Order be continued
17 until Phase II discovery, as necessary. The parties specifically request that they be permitted to
18 propose a new deadline for filing a Pretrial Order as part of the Phase II discovery plan, which –
19 per the Scheduling Order – they will file within fourteen (14) days after the Court rules on the
20 parties’ pending motions.

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WHEREFORE, Plaintiff Kim Vanamann and Defendant Nationstar Mortgage, LLC, respectfully request that this Court grant their Joint Motion to Continue Deadline to File Pretrial Order; permit the parties to propose a new deadline for a Pretrial Order in the proposed Phase II discovery plan; and grant such other and further relief as the Court deems just and proper.

Dated: May 5, 2016

Respectfully submitted,

CHRISTOPHER P. BURKE, ESQ. AND ASSOCIATES KRAVITZ, SCHNITZER & JOHNSON, CHTD.

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IT IS SO ORDERED:



United States Magistrate Judge

Dated: May 6, 2016