

**GERRARD, COX & LARSEN**  
2450 St. Rose Parkway, Suite 200  
Henderson, Nevada 89074  
(702) 796-4000

1 Douglas D. Gerrard, Esq.  
Nevada Bar No. 4613  
2 [dgerrard@gerrard-cox.com](mailto:dgerrard@gerrard-cox.com)  
Fredrick J. Biedermann, Esq.  
3 Nevada Bar No. 11918  
[fbiedermann@gerrard-cox.com](mailto:fbiedermann@gerrard-cox.com)  
4 **GERRARD, COX & LARSEN**  
2450 St. Rose Pkwy., Suite 200  
5 Henderson, NV 89074  
Telephone: (702) 796-4000  
6 *Attorneys for Defendants*  
*2014-1 IH Equity Owner, LP*  
7 *THR Nevada II, LP, THR Property Borrower, LP,*  
*THR Property Guarantor, LP,*  
8 *THR Property Holdco, LP, and*  
*2014-1 IH Property Holdco, LP*  
9

10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**

12 LAS VEGAS DEVELOPMENTAL GROUP, LLC, a  
Nevada limited liability company

Case No.: 2:15-cv-00917-GMN-NJK

13 Plaintiff,

14 vs.

**STIPULATION TO CONTINUE  
RESPONSE DEADLINE TO BANK  
OF AMERICA'S MOTION FOR  
SUMMARY JUDGMENT**

15 2014-3 IH EQUITY OWNER, LP, a Delaware  
limited partnership; BANK OF AMERICA, na,  
National Banking Association; MERIDIAN  
16 FORECLOSURE SERVICE, a California  
Corporation; ARNOLD DUMLAO, an individual;  
17 JOCELYN DILAG, an individual; THR NEVADA  
II, LP, a Delaware limited partnership; THR  
18 PROPERTY BORROWER, LP, a Delaware limited  
partnership; THR PROPERTY GUARANTOR, LP,  
19 a Delaware Limited partnership; THR PROPERTY  
HOLDCO, LP, a Delaware limited partnership;  
20 2014-3 IH PROPERTY HOLDCO, LP, a Delaware  
limited partnership, 2014-1 IH BORROWER, LP, a  
21 Delaware limited partnership; GERMAN  
AMERICAN CAPITAL CORPORATION, a  
22 Maryland corporation; DOE individuals I through  
XX; and ROE CORPORATIONS I through XX,  
23

[ECF NO. 87]

*FOURTH REQUEST*

24 Defendants.

25 Defendants 2014-3 IH BORROWER, LP, a Delaware limited partnership 2014-3 IH  
26 EQUITY OWNER, LP, a Delaware limited partnership; THR NEVADA II, LP, a Delaware limited  
27 partnership; THR PROPERTY BORROWER, LP, a Delaware limited partnership; THR PROPERTY  
28 GUARANTOR, LP, a Delaware Limited partnership; THR PROPERTY HOLDCO, LP, a Delaware

1 limited partnership; and 2014-3 IH PROPERTY HOLDCO, LP, a Delaware limited partnership,  
2 (referred to collectively as “Invitation Homes Defendants”) and BANK OF AMERICA, N.A.  
3 (“BANA”), by and through their respective counsel of record, do hereby hereby stipulate and agree  
4 as follows:

5 1. WHEREAS, on September 12, 2019, Invitation Homes Defendants filed a Motion for  
6 Summary Judgment [ECF No. 86] (the “First Motion”) against Plaintiff Las Vegas Development  
7 Group, LLC (“Plaintiff”), arguing that the Court should grant summary judgment in their favor and  
8 against the Plaintiff, for various reasons.

9 2. WHEREAS, on September 12, 2019, BANA filed a Motion for Summary Judgment  
10 [ECF No. 87] (the “Second Motion”) against Plaintiff Las Vegas Development Group, LLC  
11 (“Plaintiff”), arguing the that the Court should grant summary judgment in their favor and against the  
12 Plaintiff, for various reasons.

13 3. WHEREAS, BANA also moved the Court to dismiss the THR Nevada II’s cross-  
14 claims, which include claims for unjust enrichment and negligent misrepresentation, as set forth in  
15 Sub-Section F of the Second Motion’s Legal Argument Section.

16 4. WHEREAS, on October 23, 2019, this Court ordered that the parties participate in a  
17 settlement conference on January 28, 2020. [ECF No. 100]. The Settlement Conference was later  
18 continued to March 6, 2020 by Order of the Court [ECF No. 106] in response to an Unopposed  
19 Request To Continue Settlement Conference [ECF No. 105].

20 5. WHEREAS, on October 28, 2019, BANA and the Invitation Homes Defendants  
21 entered into a Stipulation and Order to Stay Proceedings and Brief on BANA’s Motion for Summary  
22 Judgment concerning THR Nevada II’s cross-claims. [ECF No. 102].

23 6. WHEREAS, on February 14, 2020, this Court entered an Order confirming the  
24 Stipulation to stay proceedings and briefing on BANA’s Motion For Summary Judgment. The Court  
25 further ordered that BANA and the Invitation Homes Defendants file a Joint Status Report on how  
26 the parties intend to proceed following the Settlement Conference. [ECF No. 107].

27 7. WHEREAS, on March 6, 2020, a Settlement Conference was held between the  
28

1 Plaintiff, BANA and the Invitation Homes Defendants but no settlement was reached with the  
2 Plaintiff.

3 8. On March 25, 2020, Plaintiff Las Vegas Development Group filed its Response (ECF  
4 No. 113) to the First Motion and its Response (ECF No. 114) to the Second Motion.

5 9. On March 25, 2020, this Court entered an Order (ECF No. 115) denying the First  
6 Motion and the Second Motion. The Order stated that “BANA shall file its response to Purchaser  
7 Defendants’ Motion for Summary Judgment, (ECF No. 86), within fourteen (14) days from entry of  
8 this Order.” The Order inadvertently names BANA as the party to respond to a motion for summary  
9 judgment as it was BANA that moved to dismiss the THR Nevada II’s cross-claims in the Second  
10 Motion.

11 10. Due to confusion that initially arose over the language in the Order and due to  
12 issues that have arisen a result of the COVID-19 Coronavirus, the parties stipulated to extend  
13 time for THR Nevada II to file its Limited Response to BANA’s Motion for Summary Judgment  
14 up to and including **April 30, 2020**.

15 11. On April 13, 2020, this Court entered an Order confirming the Stipulation to Continue  
16 the Response Deadline to BANA’s Motion For Summary Judgment.

17 12. In the process of preparing the Limited Response to BANA’s Motion for Summary  
18 Judgment, THR Nevada found that the legal issues presented in the BANA’s Motion are far more  
19 complex and required more legal research than was originally anticipated. Thus, THR Nevada  
20 requested that BANA grant THR Nevada additional time to complete its Limited Response.  
21 Accordingly, the parties have agreed and stipulated to extend time for THR Nevada II to file its  
22 Limited Response to BANA’s Motion for Summary Judgment an additional week, up to and  
23 including **May 8, 2020**.

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13. This Stipulation is made in good faith and not for purpose of delay.

Dated this 30<sup>th</sup> day of April, 2020.

Dated this 30<sup>th</sup> day of April, 2020.

**GERRARD COX LARSEN**

**AKERMAN, LLP**

*/s/ Douglas D. Gerrard, Esq.*

*/s/ Scott R. Lachman, Esq.*

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Douglas D. Gerrard, Esq. (4613)  
Fredrick J. Biedermann, Esq. (11918)  
2450 Saint Rose Pkwy., Suite 200  
Henderson, NV 89074  
*Attorneys for Defendants /Crossclaimants  
THR Nevada II, THR Property Borrower  
THR Property Guarantor, THR Property  
Holdco and 2014-1 IH Property Holdco*

\_\_\_\_\_  
Darren T. Brenner, Esq. (8386)  
Scott R. Lachman, Esq. (12016)  
1635 Village Center Circle, Suite 200  
Las Vegas, NV 89134  
*Attorneys for Defendant, Cross-Defendant  
Bank of America, N.A.*

Dated this 8<sup>th</sup> day of April, 2020.

**HUTCHISON & STEFFEN, PLLC**


*/s/ Matthew K. Schriever, Esq.*

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John T. Steffen (4390)  
Matthew K. Schriever (10745)  
Peccole Professional Park  
10080 West Alta Drive, Suite 200  
Las Vegas, NV 89145  
*Attorneys for Defendant 2014-3 IH Borrower*

**ORDER**

**IT IS HEREBY ORDERED** that the above Stipulation to Continue Response Deadline to Bank of America's Motion for Summary Judgment Concerning THR Nevada II's Cross-claims Against BANA, (ECF No. 124), until **May 8, 2020** is **GRANTED**.

Dated this 1 day of May, 2020.

  
\_\_\_\_\_  
Gloria M. Navarro, District Judge  
United States District Court

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of GERRARD COX LARSEN, and that on the 30<sup>th</sup> day of April, 2020 and pursuant to Fed. R. Civ. P. 5, I e-served a true and correct copy of the **STIPULATION TO CONTINUE RESPONSE DEADLINE TO BANK OF AMERICA'S MOTION FOR SUMMARY JUDGMENT** via the Federal Courts CM/ECF Filing System, and served the following parties addressed as follows:

Roger Croteau, Esq.  
Timothy Rhoda, Esq.  
ROGER P. CROTEAU & ASSOCIATES, LTD.  
Email: [croteaulaw@croteaulaw.com](mailto:croteaulaw@croteaulaw.com)  
*Attorney for Plaintiff*  
*Las Vegas Development Group, LLC*

Matthew K. Schriever, Esq.  
HUTCHISON & STEFFEN  
Email: [mschriever@hutchlegal.com](mailto:mschriever@hutchlegal.com)  
*Attorneys for Defendants,*  
*2014-3IH BORROWER, LP*

Darren T. Brenner, Esq.  
Scott Lachman, Esq.  
AKERMAN, LLP.  
Email: [ariel.stern@akerman.com](mailto:ariel.stern@akerman.com)  
Email: [darren.brenner@akerman.com](mailto:darren.brenner@akerman.com)

*Attorneys for Defendant Bank of America, N.A.*

  
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Kanani Gonzales, an employee of  
GERRARD COX & LARSEN