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16 *Registration Systems, Inc.*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

17 U.S. BANK, N.A., NOT INDIVIDUALLY  
18 BUT SOLELY AS TRUSTEE FOR THE  
19 HOLDERS OF THE BEAR STEARNS  
20 ASSET BACKED SECURITIES I TRUST  
21 2006-AC1, ASSET BACKED  
22 CERTIFICATES, SERIES 2006-AC1, a  
23 national association,

24 Plaintiff,

25 vs.

26 SFR INVESTMENTS POOL 1, LLC, a  
27 Domestic Limited Liability Company,

28 Defendant.

SFR INVESTMENTS POOL 1, LLC, a  
Nevada limited-liability company,

Counter/Cross Claimant,

vs.

U.S. BANK, N.A., NOT INDIVIDUALLY  
BUT SOLELY AS TRUSTEE FOR THE

Case No. 2:15-cv-01527-JCM-NJK

**STIPULATED DISCOVERY PLAN  
AND SCHEDULING ORDER**

**SPECIAL SCHEDULING REVIEW  
REQUESTED**

1 HOLDERS OF THE BEAR STEARNS  
2 ASSET BACKED SECURITIES I TRUST  
3 2006-AC1, ASSET BACKED  
4 CERTIFICATES, SERIES 2006-AC1, a  
5 national association; MORTGAGE  
6 ELECTRONIC REGISTRATION SYSTEMS,  
7 INC., a Delaware corporation, as nominee for  
8 UNIVERSAL AMERICAN MORTGAGE  
9 COMPANY, LLC, a Florida limited liability  
10 company, its successors and assigns, and  
11 VICHEARITH KHUON, an individual,

12 Counter/Cross Defendants.

13 **STIPULATED DISCOVERY PLAN AND SCHEDULING ORDER**

14 Pursuant to Fed. R. Civ. P. 26(f), Local Rule 26-1, and this Court’s order dated January  
15 24, 2017 (ECF No. 41), Plaintiff and Counter-Defendant U.S. Bank National Association, N.A.  
16 Not Individually But Solely as Trustee for the Holders of the Bear Stearns Asset Backed  
17 Securities I Trust 2006-AC1, Asset Backed Certificates, Series 2006-AC1 (“U.S. Bank”) together  
18 with Defendant and Counter/Cross Claimant SFR Investments Pool 1, LLC (“SFR”) and Cross-  
19 Defendant Mortgage Electronic Registration Systems, Inc. (“MERS”, and jointly with U.S. Bank  
20 and SFR, the “Parties”), by and through their respective counsel, submit this Stipulated Discovery  
21 Plan and Scheduling Order in the above-referenced case. Special scheduling review is requested.

22 **A. Meet and Confer.** Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 26-1(f), a meeting  
23 was held on February 6, 2017, and was attended by representatives for U.S. Bank, SFR, and  
24 MERS.

25 **B. Briefing Schedule.** MERS filed a Motion to Dismiss SFR’s Cross-Claims (“Motion”) on  
26 August 24, 2016 (ECF No. 34). The Motion was substantively joined by U.S. Bank (ECF No.  
27 39). The case was stayed prior to the deadline for a response from SFR. As a result, the parties  
28 have agreed to renew the briefing schedule with the following dates and request an order entering  
the dates:

Response to Motion	Due March 7, 2017
Reply in support of Motion/Joinder	Due March 21, 2017

1           **C. Discovery Plan.**

2           1.       Discoverable Matters. Discovery may be conducted on all discoverable matters  
3 relevant to issues raised by the complaint, answer, defenses, any counterclaims, and any  
4 subsequent pleadings, consistent with the Federal Rules of Civil Procedure and the Local Rules of  
5 the District of Nevada.

6           2.       Special Scheduling Review Requested. The Parties request that discovery be  
7 stayed pending a decision on the Motion to Dismiss (ECF No. 34). Following an order on the  
8 Motion, the Parties request six (6) months for discovery as contemplated by Local Rule 26-  
9 1(e)(1). The discovery stay is requested in good faith and for good cause in order to conserve  
10 party and judicial resources in the event the motion to dismiss resolves the litigation.

11           The Parties are requesting special review of their discovery plan and scheduling order in  
12 good faith in an attempt to avoid potentially unnecessary discovery in light of the pending  
13 dispositive motion.<sup>1</sup>

14           3.       Discovery Cut-Off Date. The Parties jointly request 6 months from the date of an  
15 order on the Motion to Dismiss in order to conduct discovery. Once an order on the Motion to  
16 Dismiss is entered on the docket, the Parties will meet and submit a discovery plan and  
17 scheduling order containing relevant dates for amending the pleadings and adding parties, expert  
18 witness disclosures, dispositive motions, the interim status report, and the pretrial order.

19           **D. Other Items.**

20           1.       Alternative Dispute Resolution. Pursuant to LR 26-1(b)(7), the Parties certify that they  
21 discussed the possibility of using alternative dispute resolution and concluded that it would not be  
22 helpful at this time.

23           2.       Alternative Forms of Case Disposition. Pursuant to LR 26-1(b)(8), the Parties certify that  
24 they considered and did not agree to consent to trial by a magistrate judge or use of the Short Trial  
25 Program.

26  
27  
28           <sup>1</sup> At the Rule 26(f) conference, one party reserved its rights to file a motion to stay this proceeding entirely, notwithstanding anything in this document to the contrary.

1       3. Initial Disclosures. Initial disclosures will be made within 14 days following a decision on  
2 the Motion to Dismiss.

3       4. Settlement. The Parties discussed settlement and are unlikely to reach settlement at this  
4 time in this matter without the presence of the additional parties.

5       5. Court Conference. No Court conference has been held.

6       6. Later Appearing Parties. A copy of this discovery plan and scheduling order shall be  
7 served on any person served after it is entered, or, if an additional defendant should appear, within  
8 five (5) days of their first appearance. This discovery plan and scheduling order shall apply to  
9 such later-appearing parties, unless the Court, on motion and for good cause shown orders  
10 otherwise.

11       7. Extension or Modification of the Discovery Plan and Scheduling Order. LR 26-4 governs  
12 modifications or extensions of this Discovery Plan and Scheduling Order. Any stipulation or  
13 motion must be made not later than twenty-one (21) days before the expiration of the deadline  
14 sought to be extended. *See* LR 26-4.

15       8. Clawback Agreement. In the event that any Party (the “Discloser”) produces material or  
16 documents without intending to waive a claim of privilege or confidentiality, the Discloser does  
17 not waive any claim of privilege or confidentiality if, within a reasonable amount of time after the  
18 Discloser actually discovers that such material or documents were produced, the Discloser  
19 notifies all other Parties (the “Recipient(s)”) of the inadvertent disclosure of privileged or  
20 confidential items, identifying the material or documents produced and stating the privilege or  
21 confidentiality provision asserted. Mere failure to diligently screen documents before producing  
22 them does not waive a claim of privilege or confidentiality.

23             If the Discloser asserts that it inadvertently produced privileged or confidential items in  
24 accordance with this Clawback Agreement, the Recipient(s) must return the specified material or  
25 documents and any copies within ten days of the notification. The Recipient(s) must further  
26 permanently destroy any electronic copies of such specified material or documents and affirm in  
27 writing to counsel for the Discloser of such destruction.

1 In the event that the Recipient(s) contends the documents are not subject to privilege or  
2 confidentiality as asserted by the Discloser in accordance with this Clawback Agreement, the  
3 Recipient(s) may, following the return and destruction described in Paragraph 2 of this  
4 Agreement, challenge the privilege claim through a Motion to Compel or other pleading with the  
5 District Court in which the Litigation is currently pending. The Parties agree that any review of  
6 items by the judge shall be an *in camera* review.

7 Should the Recipient(s) not challenge the Discloser's claim of privilege or confidentiality,  
8 or should the presiding judge determine that the documents are in fact subject to privilege or  
9 confidentiality, the documents, or information contained therein or derived therefrom, may not be  
10 used in the Litigation or against the Discloser in any future litigation or arbitration brought by the  
11 Recipient(s). Nothing contained within this Clawback Agreement shall be deemed to waive any  
12 objection that any Party may wish to assert under applicable state or federal law.

13 DATED this 7th day of February, 2017.

DATED this 7th day of February, 2017.

14 WRIGHT, FINLAY, & ZAK, LLP

SNELL & WILMER L.L.P.

15 By: /s/ Christopher A.J. Swift

By: /s/ Wayne Klomp

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Systems, Inc.*

21 DATED this 7th day of February, 2017.

22 KIM, GILBERT, EBRON

23 By: /s/ Diana Cline Ebron

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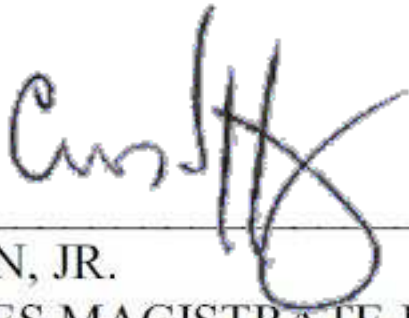
**ORDER**

**IT IS SO ORDERED.**

1. Any response to the Motion to Dismiss (ECF No. 34) will be due **March 7, 2017**.
2. Any reply to the Motion to Dismiss or Joinder will be due **March 21, 2017**.
3. Discovery will take six (6) months, measured from the date a decision is rendered on the motion to dismiss. The Parties will meet and confer regarding a new stipulated discovery plan and scheduling order within 14 days following the date of a decision on the motion to dismiss.
4. Discovery will be stayed pending a decision on the Motion to Dismiss. Good cause exists to stay discovery as it will conserve judicial and party resources.

**IT IS SO ORDERED.**

**DATED:** 2/8/17



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**C.W. HOFFMAN, JR.**  
**UNITED STATES MAGISTRATE JUDGE**

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**CERTIFICATE OF SERVICE**

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of Court for the U.S. District Court, District of Nevada by using the Court's CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

DATED: February 7, 2017.

/s/ Lara Taylor  
Lara Taylor, Employee of Snell & Wilmer L.L.P.