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6 Attorney for Plaintiff,

ARMIN VAN DAMME

8 **UNITED STATES DISTRICT COURT**

9 **SOUTHERN DISTRICT OF NEVADA**

10 ARMIN VAN DAMME, an individual

CASE NO. 2:15-cv-01951-APG-PAL

11 Plaintiff,

12 vs.

13 JPMORGAN CHASE BANK, INC. N.A., BNC

14 NATIONAL BANK, LASSALE BANK

CORPORATION, MERSCORP, INC.,

15 WELLS FARGO HOME MORTGAGE, INC.,

16 WELLS FARGO, NA, AMERICAN

SERVICING COMPANY, BANK OF

AMERICA, INC., NA et, al.,

17 Defendant(s).

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19 **JOINT STIPULATION AND ORDER TO EXTEND TIME FOR PLAINTIFF TO RESPONSE**
20 **TO DEFENDANTS, BANA HOLDING CORP'S, BANK OF AMERICA, N.A.'S**
21 **AND MERSCORP, INC.'S MOTION TO DISMISS COMPLAINT**
22 **AND ANY JOINDERS THERETO**

23 Comes Now, Plaintiff, Armin Van Damme by and through his counsel of record, Carrie E.
24 Hurtik, Esq., of the law firm Hurtik Law & Associates; Defendants, BANA Holding Corp. f/k/a LaSalle
25 Bank Corporation, Bank of America, N.A., and Merscorp, Inc., by and through their counsel of record
26 Donna M. Wittig, Esq. of the law firm Akerman, LLP; and Defendants, American Servicing Company,
27 U.S. Bank National Association, Wells Fargo Bank, N.A., and Wells Fargo Home Mortgage, by and
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1 through their counsel of record, Blakeley E. Griffith, Esq., of the law firm Snell & Wilmer, and hereby
2 stipulate and agree as follows:

3 1. Defendants, BANA Holding Corp. f/k/a LaSalle Bank Corporation, Bank of America,
4 N.A., and Merscorp, Inc. filed Petition for Removal from the Eighth Judicial District Court, Case A-15-
5 723814-C on October 8, 2015.

6 2. Defendants, BANA Holding Corp. f/k/a LaSalle Bank Corporation, Bank of America,
7 N.A., and Merscorp, Inc. filed a Motion to Dismiss Plaintiff, Armin Van Damme's Complaint on
8 October 15, 2015.

9 3. Pursuant to Clerk of the Court, Plaintiff, Armin Van Damme's Response in Opposition is
10 due November 2, 2015.

11 4. Defendants, American Servicing Company, U.S. Bank National Association, Wells Fargo
12 Bank, N.A., and Wells Fargo Home Mortgage, Inc., filed a Joinder to Defendants, BANA Holding Corp.
13 f/k/a LaSalle Bank Corporation's, Bank of America, N.A.'s, and Merscorp, Inc.'s Motion to Dismiss
14 Plaintiff, Armin Van Damme's Complaint on October 23, 2015.

15 5. Plaintiff, Armin Van Damme is currently scheduled to attend a State of Nevada,
16 Foreclosure Mediation on December 7, 2015, at 1:00 p.m., NDSC File #: 08-45650-ASR-NV Loan #:
17 1100090381.

18 6. Plaintiff, Armin Van Damme retained alternate counsel on October, 27, 2015, and a
19 Motion to Substitute Counsel was filed with the Honorable Court on October 29, 2015. The Honorable
20 Court granted the Plaintiff, Armin Van Damme's Motion to Substitute Counsel on November 3, 2015.

21 7. Plaintiff, Armin Van Damme desires additional time to file his Opposition to the Motion
22 to Dismiss until after he attends the State of Nevada, Foreclosure Mediation on December 7, 2015, at
23 1:00 p.m. Plaintiff, Armin Van Damme and Defendants, BANA Holding Corp. f/k/a LaSalle Bank
24 Corporation, Bank of America, N.A., and Merscorp, Inc. hereby agree that the Plaintiff, Armin Van
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1 Damme's Response in Opposition should be due on Tuesday, December 8, 2015, which represents an
2 extension of Thirty-Six (36) day for Plaintiff, Armin Van Damme to file a Response to Defendants,
3 BANA Holding Corp. f/k/a LaSalle Bank Corporation's, Bank of America, N.A.'s, and Merscorp, Inc.'s
4 Motion to Dismiss, and any Joinders thereto.

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6 8. Defendants, American Servicing Company, U.S. Bank National Association, Wells Fargo
7 Bank, N.A., and Wells Fargo Home Mortgage, Inc., BANA Holding Corp. f/k/a LaSalle Bank
8 Corporation, Bank of America, N.A. and Merscorp, Inc. desire time to file a Reply to Plaintiff's
9 Opposition to the Motion to Dismiss.

10 9. The scheduled Foreclosure Mediation could potentially resolve the issues presented in
11 this instant case, and the Parties hereto do not want to engage in discovery and spend their resources if
12 this matter settles; thus, the parties request they be allowed to continue the deadline to conduct their
13 Rule 26(f) conference until fourteen (14) days after the briefing on the Motion to Dismiss is completed
14 and fourteen (14) days thereafter to submit their proposed joint discovery plan.

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16 10. The Parties hereto Stipulate that Plaintiff, Armin Van Damme shall have until Tuesday,
17 December 8, 2015 to file his Response in Opposition to Defendants, BANA Holding Corp. f/k/a LaSalle
18 Bank Corporation's, Bank of America, N.A.'s, and Merscorp, Inc.'s Motion to Dismiss, and any
19 Joinders thereto that were filed by Defendants, American Servicing Company, U.S. Bank National
20 Association, Wells Fargo Bank, N.A., and Wells Fargo Home Mortgage, Inc.

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22 11. The Parties hereto Stipulate that Defendants, BANA Holding Corp. f/k/a LaSalle Bank
23 Corporation, Bank of America, N.A., and Merscorp, Inc. and Defendants, American Servicing

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1 Company, U.S. Bank National Association, Wells Fargo Bank, N.A., and Wells Fargo Home Mortgage,
2 Inc. shall have until Friday, December 18, 2015 to file a reply.

3 **IT IS SO STIPULATED.**

4 Dated: November 6, 2015.

HURTIK LAW & ASSOCIATES

/s/ Carrie E. Hurtik

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ARMIN VAN DAMME

11 Dated: November 6, 2015.

AKERMAN LLP

/s/ Donna M. Wittig

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Corporation, Bank of America, N.A., and Merscorp,
Inc.

19 Dated: November 6, 2015.

SNELL & WILMER

/s/ Blakeley E. Griffith

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American Servicing Company, U.S. Bank National
Association, Wells Fargo Bank, N.A., and
Wells Fargo Home Mortgage, Inc.

1 **ORDER**

2 Based upon the Stipulated by the Parties hereto, and good cause appearing, it is hereby Ordered
3 that Plaintiff, Armin Van Damme shall have until Tuesday, December 8, 2015 to file his Response in
4 Opposition to Defendants, BANA Holding Corp.'s f/k/a LaSalle Bank Corporation's, Bank of America,
5 N.A.'s, and Merscorp, Inc.'s Motion to Dismiss, and any Joinders thereto that were filed by
6 Defendants, American Servicing Company, U.S. Bank National Association, and Wells Fargo Bank,
7 N.A., and Wells Fargo Home Mortgage, Inc.

9 It is further Ordered that Defendants, BANA Holding Corp. f/k/a LaSalle Bank Corporation,
10 Bank of America, N.A., and Merscorp, Inc., and Defendants, American Servicing Company, U.S. Bank
11 National Association, Wells Fargo Bank, N.A., and Wells Fargo Home Mortgage, Inc. shall have until
12 Tuesday, December 18, 2015 to file a Reply.

13 It is further Ordered that the parties hereto shall have until Tuesday, December 22, 2015, to
14 conduct their Rule 26(f) conference and fourteen (14) days thereafter to submit their proposed joint
15 discovery plan.
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17 **IT IS SO ORDERED**

18 Dated this 10th day of November, 2015.

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21 UNITED STATES DISTRICT COURT JUDGE