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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 FEDERAL DEPOSIT INSURANCE  
11 CORPORATION AS RECEIVER FOR  
AMTRUST BANK,

Case No.: 2:15-cv-02283-RFB-VCF

12  
13 Plaintiff,

14 vs.

15  
16 NEVADA TITLE COMPANY, a Nevada  
corporation,

17  
18 Defendant.

19  
20 **STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINES SUBMITTED**  
21 **IN COMPLIANCE WITH LR 26-4 AND LR 6-1**  
(Second Request)

22 Defendant Nevada Title Company (“Nevada Title” or “Defendant”) and Plaintiff Federal  
23 Deposit Insurance Company as Receiver for AmTrust Bank (“FDIC-R” or “Plaintiff”)  
24 (collectively the “Parties”), by and through their undersigned counsel, hereby stipulate and agree  
25 to extend the discovery deadlines from the current dates to those set forth herein and, pursuant to  
26 LR 26-4 and LR 7-1, and in the form prescribed by LR IA 6-1 and 6-2, and submit this  
27 stipulation to extend deadlines.

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**A. STATEMENT SPECIFYING THE DISCOVERY COMPLETED:**

**1. Plaintiff**

On February 27, 2017, Plaintiff produced its 26(a) Initial Disclosures.

On March 27, 2017, Plaintiff propounded its First Set of Interrogatories, First Set of Requests for Admissions, and First Set of Requests for Production of Documents to Defendant Nevada Title Company.

On April 25, 2017 Plaintiff sent an Amended Subpoena Duces Tecum to Stewart Title of Nevada.

On April 15, 2017 Plaintiff sent a Subpoena Duces Tecum to Lawyers Title of Nevada.

On April 13, 2017 Plaintiff sent a Subpoena Deces Tecum to Saxon Mortgage, Nationstar Mortgage, and Stewart Title of Nevada.

On August 8, 2017 Plaintiff responded to Nevada Title Company's First Set of Requests for Production and First Set of Interrogatories in accordance with an agreement between the parties. More than 6,000 pages of documents were produced. Subsequently, Plaintiff processed and served an additional, smaller, supplemental set of documents for production.

**2. Defendant**

On February 27, 2017 Defendant produced its Initial Disclosure of Witnesses and Documents Pursuant to FRCP 26(A)(1).

On May 23, 2017 Nevada Title Company responded to Plaintiff's First Set of Requests for Admissions, First Set of Interrogatories and First Set of Requests for Production of Documents.

On May 23, 2017 Defendant produced its First Supplemental Disclosure of Witnesses and Documents.

On June 13, 2017 Defendant propounded on Plaintiff its First Set of Interrogatories and Requests for Production of Documents.

Om July 6, 2017 Defendant produced their Second Supplemental Disclosure of Witnesses and Documents.

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1           **B.     STATEMENT SPECIFYING THE DISCOVERY THAT REMAINS TO BE**  
2           **COMPLETED:**

3           The following discovery remains:

- 4           1.     Issuance of third-party subpoenas;
- 5           2.     Deposition of FDIC-R's 30(b)(6) deponent(s);
- 6           3.     Deposition of Nevada Title's 30(b)(6) deponent(s);
- 7           4.     Deposition of Joe Coppedge;
- 8           5.     Deposition of Orlando Villalba;
- 9           6.     Deposition of Kelly J. Lobeck;
- 10          7.     Deposition of Josh Weissbuch;
- 11          8.     Deposition of additional third party witnesses, as necessary;
- 12          9.     Expert disclosures;
- 13          10.    Rebuttal disclosures;
- 14          11.    Deposition of experts;
- 15          12.    Further written discovery as needed; and
- 16          13.    Pursuing the responses to subpoenas issued by Defendant, none of which have

17        been responded to.

18           **C.     REASONS WHY THE DEADLINE WAS NOT SATISFIED OR THE**  
19           **REMAINING DISCOVERY WAS NOT COMPLETED WITHIN THE**  
20           **TIME LIMITS SET BY THE DISCOVERY PLAN:**

21           The Parties are in the process of scheduling the numerous depositions in this matter. A  
22           number of third party witnesses have information relevant to the FDIC-R's claims. The  
23           depositions of these witnesses must be scheduled for a mutually convenient time and subpoenas  
24           served.

25           Further, this is a document intensive case. Nearly 10,000 pages of documents have  
26           already been produced by both sides. The damages sought by Plaintiff are significant:  
27           \$1.5million + interest. Plaintiff produced more than 6,000 pages of documents. Defendant's  
28           expert must review these documents and incorporate the relevant items into the expert report,  
          which at the moment, is due 3 weeks away. There are also a number of items that Plaintiff

1 claims is not in their possession, and thus, Defendant must pursue these documents through other  
2 means. Both Parties are also reviewing the discovery responses to ascertain what documents, if  
3 any, must still be compelled.

4 Finally, given the claims and defenses in this matter, it is most efficient, productive, and  
5 practical to conduct expert discovery after the completion of fact discovery.

6 **D. A PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING**  
7 **DISCOVERY:**

8 The parties propose a fact discovery phase and expert discovery phase, such that once  
9 fact discovery closes, the parties will then engage in expert discovery. The parties' experience is  
10 that this sort of procedure will streamline the process, reduce cost, and be more efficient.

11 Based upon the foregoing, the parties propose that all dates be extended ninety (90) days  
12 as follows:

Item	Current Deadline	Proposed New Deadline
Close of Fact Discovery	February 8, 2018	March 8, 2018
Initial Expert Disclosures	December 8, 2017	March 22, 2018
Rebuttal Expert Disclosures	January 9, 2018	April 23, 2018
Close of Expert Discovery	N/A	May 7, 2018
Filing Dispositive Motions	March 9, 2018	June 11, 2018
Pretrial Order and Disclosures	April 10, 2018	July 10, 2018

24 If dispositive motions are filed, the deadline for filing the joint pretrial order will be  
25 suspended until 30 days after decision on the dispositive motions or further court  
order.

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This stipulation is entered into in good faith and not for the purposes of undue delay.

Dated this 16th day of November 2017.

Dated this 16th day of November 2017.

MARQUIS AURBACH COFFING


KOLESAR & LEATHAM

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**ORDER**

**IT IS SO ORDERED.**

By: 

**U.S. Magistrate Judge**

Dated 11-17-2017