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10 *Attorneys for Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust, as*  
 11 *substituted party for Christiana Trust, a division of Wilmington Savings Fund Society, FSB, not*  
 12 *in its individual capacity but as Trustee of ARLP Trust 3*

13 **UNITED STATES DISTRICT COURT**  
 14 **DISTRICT OF NEVADA**

15 U.S. BANK TRUST, N.A., AS TRUSTEE FOR  
 16 LSF9 MASTER PARTICIPATION TRUST,

17 Plaintiff,

18 vs.

19 9796 MOUNT CUPERTINO TRUST,  
 20 KENNETH BERBERICH AS TRUSTEE, an  
 21 unknown entity; DOES I through X; and ROE  
 22 CORPORATIONS I through X, inclusive,

23 Defendants.

Case No.: 2:15-cv-02295-RFB-NJK

**STIPULATION AND ORDER TO EXTEND  
 TIME TO RESPOND TO 9796 MOUNT  
 CUPERTINO TRUST & KENNETH  
 BERBERICH’S MOTION TO DISMISS  
 U.S. BANK’S FIRST AMENDED  
 COMPLAINT**

**[FIRST REQUEST]**

24 Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust as  
 25 substituted party for Christiana Trust, a division of Wilmington Savings Fund Society, FSB, not  
 26 in its individual capacity but as Trustee of ARLP Trust 3, (“U.S. Bank”), and Defendant, 9796  
 27 Mount Cupertino Trust and Kenneth Berberich, as Trustee (hereinafter “Cupertino Trust” or  
 28 “Buyer”), by and through their respective counsels of record, hereby stipulate as follow:

**STIPULATION**

1. Buyer filed its Motion to Dismiss (“Motion”) on April 28, 2019 [EFC No. 44]

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- 2. Current deadline to file the response to the Motion is May 13, 2019.
- 3. U.S. Bank requests additional time to file a response to the Motion and the Buyer does not object to the request.
- 4. Therefore, the parties agree that U.S. Bank’s response to the Motion is now due on or before **May 28, 2019.**

DATED this 13<sup>th</sup> day of May, 2019.

DATED this 13<sup>th</sup> day of May, 2019.

WRIGHT, FINLAY & ZAK, LLP

AYON LAW, PLLC

/s/ Rock K. Jung, Esq.

/s/ Luis A. Ayon/, Esq.

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 as Trustee for LSF9 Master Participation  
 Trust, as substituted party for Christiana  
 Trust, a division of Wilmington Savings Fund  
 Society, FSB, not in its individual capacity but  
 as Trustee of ARLP Trust 3*

Luis A. Ayon, Esq.  
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 Las Vegas, Nevada 89148  
*Attorneys for 9796 Cupertino Trust and  
 Kenneth Berberich, as Trustee*

**Case Number:** 2:15-cv-02295

**ORDER**

IT IS SO ORDERED.

Dated this 14<sup>th</sup> day of May, 2019.



RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE

Submitted by:

1 **WRIGHT, FINLAY & ZAK, LLP**

2 /s/ Rock K. Jung, Esq. \_\_\_\_\_

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9 *Attorneys for Plaintiff, U.S. Bank Trust, N.A.,*

10 *as Trustee for LSF9 Master Participation*

11 *Trust, as substituted party for Christiana Trust,*

12 *a division of Wilmington Savings Fund Society,*

13 *FSB, not in its individual capacity but as Trustee*

14 *of ARLP Trust 3*

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