

ROGER P. CROTEAU & ASSOCIATES, LTD.
• 9120 W. Post Road, Suite 100 • Las Vegas, Nevada 89148 •
Telephone: (702) 254-7775 • Facsimile (702) 228-7719

1 ROGER P. CROTEAU, ESQ.
Nevada Bar No. 4958
2 TIMOTHY E. RHODA, ESQ.
Nevada Bar No. 7878
3 ROGER P. CROTEAU & ASSOCIATES, LTD.
9120 West Post Road, Suite 100
4 Las Vegas, Nevada 89148
(702) 254-7775
5 (702) 228-7719 (facsimile)
croteaulaw@croteaulaw.com
6 ***Attorney for Plaintiff***
LAS VEGAS DEVELOPMENT GROUP, LLC
7

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 ***

11 LAS VEGAS DEVELOPMENT GROUP, LLC,)
a Nevada limited liability company,)
12)
Plaintiff,) Case No. 2:16-cv-00038-RFB-GWF
13)
vs.)
14)
STEVEN P. SCHNEIDER, an individual;)
15 NATIONSTAR MORTGAGE, LLC , a)
Delaware limited liability company; AZTEC)
16 FORECLOSURE CORPORATION, a)
California corporation; TRACY BURR, an)
17 individual; FEDERAL NATIONAL)
MORTGAGE ASSOCIATION, a federally)
18 chartered corporation; EVERGREEN)
MONEYSOURCE MORTGAGE COMPANY,)
19 a Washington corporation; DOE individuals I)
through XX; and ROE CORPORATIONS I)
20 through XX,)
21 Defendants.)
22)

23 **MOTION TO EXTEND TIME TO FILE DISCOVERY PLAN**
24 **(First Request)**

25 COMES NOW, Plaintiff, LAS VEGAS DEVELOPMENT GROUP, LLC, by and through
26 its attorneys, ROGER P. CROTEAU & ASSOCIATES, LTD., and hereby presents its Motion to
27 Extend Time to File Discovery Plan. This Motion is made and based upon the attached
28 memorandum of points and authorities, all pleadings, papers and documents on file herein, and

1 any oral argument that the Court may entertain at the hearing of this matter.

2 DATED this 21st day of March, 2016.

3 ROGER P. CROTEAU & ASSOCIATES, LTD.

4
5 /s/ Timothy E. Rhoda
6 ROGER P. CROTEAU, ESQ.
7 Nevada Bar No. 4958
8 TIMOTHY E. RHODA, ESQ.
9 Nevada Bar No. 7878
10 9120 West Post Road, Suite 100
11 Las Vegas, Nevada 89148
12 (702) 254-7775
13 *Attorney for Plaintiff*
14 **LAS VEGAS DEVELOPMENT GROUP, LLC**

11 **MEMORANDUM OF POINTS AND AUTHORITIES**

12 **STATEMENT OF FACTS**

13 The instant action is primarily a quiet title and declaratory relief action related to real
14 property commonly known as 5125 Teal Petals Street, North Las Vegas, Nevada 89081, Assessor
15 Parcel No. 124-35-711-058 (*the "Property"*). The action was originally filed in the Eighth
16 Judicial District Court of Clark County on June 25, 2015, where it was pending for some time
17 and where substantial activity took place. In approximately December, 2015, Plaintiff was
18 advised that Evergreen Moneysource Mortgage Corporation ("*Evergreen*") had been incorrectly
19 served with the Complaint. Specifically, counsel for Evergreen represented that the Complaint
20 had not been served upon Evergreen's current registered agent but rather a past registered agent.
21 Upon again being served with the Complaint, Evergreen removed to this Court on January 8,
22 2016.

23 On March 9, 2015, this Court issued an Order directing the parties to file a stipulated
24 Discovery Plan and Scheduling Order no later than March 21, 2016. Due to various
25 circumstances, including illness and other work obligations, including a Nevada Supreme Court
26 opening brief that was also due on March 21, 2016, Plaintiff's counsel has not yet been able to
27 schedule and hold the 26(f) conference and prepare and file the Discovery Plan and Scheduling
28

1 Order. As a result, because a number of parties are involved, Plaintiff respectfully requests an
2 additional 2-week extension of time until April 4, 2016 in order to do so.

3 **LEGAL ARGUMENT**

4 **1. GOOD CAUSE EXISTS FOR A BRIEF EXTENSION OF TIME**

5 As the Court has noted, a Discovery Plan and Scheduling Order has not been filed herein
6 to date. This was primarily the result of the rather unusual manner in which the case came before
7 the Court. Specifically, the case was pending before the State Court for over 6 months before
8 being removed.

9 Since this Court issued its order dated March 9, 2016, Plaintiff's counsel has been unable
10 to schedule and hold the 26(f) conference and prepare and file the Discovery Plan and Scheduling
11 Order due to circumstances that are largely beyond its control. This included an illness that kept
12 counsel out of the office for several days, as well as other work obligations such as a Nevada
13 Supreme Court opening brief which was also due on March 21, 2016. These factors, combined
14 with the relatively large number of parties involved in the litigation, made it difficult to schedule
15 the 26(f) conference by March 21, 2016.

16 **CONCLUSION**

17 Based upon the foregoing, Plaintiff respectfully requests the Court grant an additional
18 period of time until and including April 4, 2016, in which to file a stipulated Discovery Plan and
19 Scheduling Order.

20 DATED this 21st day of March, 2016.

21 ROGER P. CROTEAU & ASSOCIATES, LTD.

22
23 /s/ Timothy E. Rhoda

24 ROGER P. CROTEAU, ESQ.

25 Nevada Bar No. 4958

26 TIMOTHY E. RHODA, ESQ.

27 Nevada Bar No. 7878

28 9120 West Post Road, Suite 100

Las Vegas, Nevada 89148

(702) 254-7775

Attorney for Plaintiff

LAS VEGAS DEVELOPMENT GROUP, LLC

ROGER P. CROTEAU & ASSOCIATES, LTD.

• 9120 W. Post Road, Suite 100 • Las Vegas, Nevada 89148 •
Telephone: (702) 254-7775 • Facsimile (702) 228-7719

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Motion to Extend Time to File Discovery Plan
Case No. 2:16-cv-00038-RFB-GWF

IT IS SO ORDERED.

By: *George Foley Jr.*
United States Magistrate Judge

Dated: March 22, 2016

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of March, 2016, I served via the United States District Court CM/ECF electronic filing system, the foregoing **MOTION TO EXTEND TIME TO FILE DISCOVERY PLAN (First Request)** to the following parties:

Michael A. Arata
Springel & Fink
10655 Park Run Dr Ste 275
Las Vegas, NV 89144
702-804-0706
702-804-0798 (fax)
marata@springelfink.com
Attorney for Defendant
Evergreen Moneysource Mortgage Corporation

Jessica E. Chong
Wright, Finlay & Zak
7785 W. Sahara Ave., Suite 200
Las Vegas, NV 89117
702-475-7964
702-946-1345 (fax)
jchong@wrightlegal.net
Attorney for Defendant
Aztec Foreclosure Corporation

Leonard T. Fink
Springel & Fink LLP
10655 Park Run Dr Ste 275
Las Vegas, NV 89144
702-804-0706
702-807-0798 (fax)
espringel@springelfink.com
Attorney for Defendants
Evergreen Moneysource Mortgage Corporation and Steven P. Schneider

Melanie D Morgan
Akerman LLP
1160 Town Center Drive, Suite 330
Las Vegas, NV 89144
(702)634-5005
(702) 380-8572 (fax)
melanie.morgan@akerman.com
Attorney for Defendants
Federal National Mortgage Association and Nationstar Mortgage, LLC

Dana Jonathon Nitz
Wright, Finlay & Zak, LLP
7785 W. Sahara Ave., Suite 200
Las Vegas, NV 89117
702-475-7964
702-946-1345 (fax)
dnitz@wrightlegal.net
Attorney for Defendant
Aztec Foreclosure Corporation

Christine M. Parvan
Akerman LLP
1160 Town Center Drive, Suite 330
Las Vegas, NV 89144
702-634-5000
702-380-8572 (fax)
christine.parvan@akerman.com
Attorney for Defendants
Federal National Mortgage Association and Nationstar Mortgage, LLC

Ariel E. Stern
Akerman LLP
1160 Town Center Drive, Suite 330
Las Vegas, NV 89144
702-634-5000
702-380-8572 (fax)
ariel.stern@akerman.com
Attorney for Defendants
Federal National Mortgage Association and Nationstar Mortgage, LLC

David T. Gluth II
Gordon & Rees, LLP
3770 Howard Hughes Parkway, Suite 100
Las Vegas, NV 89169
(702) 577-9304
(702) 255-2858 (fax)
dgluth@gordonrees.com
Attorney for Defendant
Hollow de Oro Homeowners Association

ROGER P. CROTEAU & ASSOCIATES, LTD.

• 9120 W. Post Road, Suite 100 • Las Vegas, Nevada 89148 •
Telephone: (702) 254-7775 • Facsimile (702) 228-7719

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Robert S. Larsen
Gordon & Rees, LLP
3770 Howard Hughes Parkway, Suite 100
Las Vegas, NV 89169
(702) 577-9304
(702) 255-2858 (fax)
rlarsen@gordonrees.com
Attorney for Defendant
Hollow de Oro Homeowners Association

/s/ Timothy E. Rhoda
An employee of ROGER P. CROTEAU &
ASSOCIATES, LTD.