

GARMAN TURNER GORDON, LLP
 GREGORY E. GARMAN, ESQ.
 Nevada Bar No. 6654
 E-mail: ggarman@gtg.legal
 TALITHA GRAY KOZLOWSKI, ESQ.
 Nevada Bar No. 9040
 E-mail: tgray@gtg.legal
 MARK M. WEISENMILLER, ESQ.
 Nevada Bar No. 12128
 E-mail: mweisenmiller@gtg.legal
 650 White Drive, Ste. 100
 Las Vegas, Nevada 89119
 Telephone: 725-777-3000
 Attorneys for Appellant Kyle Entity Holdings, LLC

SHAW FISHMAN GLANTZ
 & TOWBIN LLC
 PETER J. ROBERTS, ESQ.
 Illinois Bar No. 6239025
 Email: proberts@shawfishman.com
 321 North Clark Street, Ste. 800
 Chicago, IL 60654
 Telephone: 312-276-1322

LAW OFFICE OF BRIAN D. SHAPIRO, LLC
 BRIAN D SHAPIRO, ESQ.
 Nevada Bar No. 5772
 Email: brian@brianshapirolaw.com
 411 E. Bonneville Ave.; Ste. 300
 Las Vegas, NV 89101
 Telephone: 702-386-8600

Attorneys for Appellee US Bank National Association as the Plan Administrator for the KHI Post-Consummation Trust and the Liquidation Trust Administrator for the KHI Liquidation Trust

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

In re:

NW VALLEY HOLDINGS LLC,

 Debtor.

Case No. 2:16-cv-00168-RFB

KYLE ENTITY HOLDINGS, LLC

Appellant,

v.

U.S. BANK NATIONAL ASSOCIATION
 AS THE PLAN ADMINISTRATOR FOR
 THE KHI POST-CONSUMMATION TRUST
 AND THE LIQUIDATION TRUST
 ADMINISTRATOR FOR KHI LIQUIDATION
 TRUST,

Appellee.

Appeal from Case No. BK-S-15-10116-abl

**STIPULATION AND ORDER FOR EXTENSION OF TIME TO FILE
APPELLATE BRIEFS [FOURTH EXTENSION REQUESTED]**

Kyle Entity Holdings, LLC (“KEH”), by and through its counsel, the law firm of Garman Turner Gordon, LLP, and U.S. Bank National Association as the Plan Administrator for the KHI

1 Post-Consummation Trust and the Liquidation Trust Administrator for the KHI Liquidation
2 Trust (collectively, the “Kimball Hill Trusts,” and together with KEH, the “Parties”), by and
3 though their counsel, Shaw Fishman Glantz & Towbin, LLC and the Law Office of Brian D.
4 Shapiro, LLC, hereby stipulate as follows:

5 1. On January 25, 2016, KEH filed its Notice of Appeal [ECF No. 271 in BK-S-15-
6 10116-abl] to the Order on Objection to Claim [ECF No. 169 in BK-S-15-10116-abl] entered by
7 the United States Bankruptcy Court for the District of Nevada (the “Bankruptcy Court”) on
8 August 5, 2015, and the Order on Motion to Amend or Set Aside Order on Objection to Claim
9 [ECF No. 257 in BK-S-15-10116-abl] entered by the Bankruptcy Court on January 11, 2016,
10 thereby commencing the above-captioned appeal (the “Appeal”).

11 2. On January 25, 2016, KEH also filed its Notice of Election to Have Appeal Heard
12 by the United States District Court Pursuant to 28 U.S.C. § 158(c)(1)(A) [ECF No. 273 in BK-S-
13 15-10116-abl].

14 3. This Court entered a Minute Order in Chambers [ECF No. 5] on April 12, 2016,
15 which provided that KEH is required to file its opening brief on or before April 29, 2016, the
16 Kimball Hill Trusts are required to file their answering brief on or before May 16, 2016, and
17 KEH is required to file its reply brief on or before June 2, 2016 (collectively, the “Briefing
18 Deadlines”).¹

19 4. On April 27, 2016, the Court entered the Stipulation and Order for Extension of
20 Time to File Appellate Briefs [ECF No. 7] extending the briefing schedule 60 days in which
21 KEH is required to file its opening brief on or before June 28, 2016, the Kimball Hill Trusts are
22 required to file their answering brief on or before July 15, 2016, and KEH is required to file its
23 reply brief on or before August 1, 2016.

24 5. On June 23, 2016, the Court entered the Stipulation and Order for Extension of
25 Time to File Appellate Briefs [ECF No. 9] extending the briefing schedule 90 days in which
26 KEH is required to file its opening brief on or before September 26, 2016, the Kimball Hill
27

28 ¹ The debtor, NW Valley Holdings LLC, is not a party to the Appeal.

Trusts are required to file their answering brief on or before October 26, 2016, and KEH is required to file its reply brief on or before November 9, 2016.

6. On September 26, 2016, the Court entered the Stipulation and Order for Extension of Time to File Appellate Briefs [ECF No. 11] extending the briefing schedule 90 days in which KEH is required to file its opening brief on or before December 26, 2016, the Kimball Hill Trusts are required to file their answering brief on or before January 25, 2017, and KEH is required to file its reply brief on or before February 8, 2017.

7. The Parties are engaged in settlement discussions and have met and conferred and, subject to approval by this Court, have agreed to a 90-day extension of the Briefing Deadlines to provide the Parties additional time to seek to resolve the Appeal consensually.

8. This is the fourth requested extension.

9. The Parties make this request in good faith and not for the purposes of delay.

DATED this 15th day of December, 2016.

GARMAN TURNER GORDON, LLP

/s/ Mark M. Weisenmiller
GREGORY E. GARMAN, ESQ.
TALITHA GRAY KOZLOWSKI, ESQ.
MARK M. WEISENMILLER, ESQ.
650 White Drive, Ste. 100
Las Vegas, Nevada 89119
Attorneys for Kyle Entity Holdings LLC

/s/ Brian D. Shapiro
SHAW FISHMAN GLANTZ
& TOWBIN LLC
PETER J. ROBERTS, ESQ.
321 North Clark Street, Ste. 800
Chicago, IL 60654

LAW OFFICE OF BRIAN D.
SHAPIRO, LLC
BRIAN D SHAPIRO, ESQ.
411 E. Bonneville Ave.; Ste. 300
Las Vegas, NV 89101

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IT IS SO ORDERED.

Dated: 1/2/17.



RICHARD F. BOULWARE, II
United States District Judge