

1 ARIEL E. STERN, ESQ.  
Nevada Bar No. 8276  
2 DARREN T. BRENNER, ESQ.  
Nevada Bar No. 8386  
3 REBEKKAH BODOFF, ESQ.  
Nevada Bar No. 12703  
4 AKERMAN LLP  
1635 Village Center Circle, Suite 200  
5 Las Vegas, NV 89134  
Telephone: (702) 634-5000  
6 Facsimile: (702) 380-8572  
Email: ariel.stern@akerman.com  
7 Email: darren.brenner@akerman.com  
Email: rebekkah.bodoff@akerman.com  
8 Attorneys for CitiMortgage, Inc.

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

11 CITIMORTGAGE, INC.,

Case No.: 2:16-cv-00610-JCM-CWH

12 Plaintiff,

**SECOND AGREED MOTION TO  
CONTINUE TRIAL**

13 v.

14 TIERRA DE LAS PALMAS OWNERS  
ASSOCIATION; RICARDO FOJAS; and  
15 ABSOLUTE COLLECTION SERVICES, LLC;

16 Defendants.  
17  
18

19 This court continued calendar call to July 11, 2018 and trial to July 16, 2018 after the parties  
20 requested a 60-day continuance to allow time to finalize their settlement. (See Order, ECF No. 56, at  
21 1-3.) The parties have made progress towards completing the settlement over the past 60 days, but  
22 they still have outstanding obligations under the agreement before they can file a stipulation and  
23 proposed final judgment. CitiMortgage, Inc., Tierra de las Palmas Owners Association, Absolute  
24 Collection Services, LLC, and Ricardo Fojas move the court to vacate the July 11, 2018 calendar  
25 call and July 16, 2018 trial setting and continue them for another 60 days to allow them time to  
26 complete the settlement and file the stipulation of dismissal.

27 ///

28 ///

**ARGUMENTS AND AUTHORITIES**

1  
2           There is good cause to continue the July 16, 2018 trial. The parties reached a settlement and  
3 have made a good faith effort to finalize the settlement's terms and complete their obligations under  
4 it. (See ECF No. 52.) Since the last continuance, the parties finalized the terms of the long-form  
5 agreement, and each party has executed it. Settlement payments must be exchanged by July 30, and  
6 the parties must file their stipulation and proposed final judgment within 10 business days of  
7 delivering the settlement payment. The parties thus anticipate filing the proposed final judgment by  
8 mid-August.

9           As reflected by the below signatures of their respective attorneys, CitiMortgage, Tierra de las  
10 Palmas Owners Association, and Absolute Collection Services, LLC along with Ricardo Fojas  
11 consent to the requested continuance. Good cause exists to continue trial as the parties are in the  
12 process of finalizing their obligations under the settlement they reached. A continuance will allow  
13 the parties to realize their settlement and ensure an efficient use of their and the court's resources.

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28

**CONCLUSION**

CitiMortgage, Inc., Tierra de las Palmas Owners Association, Absolute Collection Services, LLC, and Ricardo Fojas respectfully request the court vacate the July 11, 2018 calendar call and the July 16, 2018 trial setting and reset the calendar call and trial for at least 60 days.

Dated: July 6, 2018

**AKERMAN LLP**

/s/ Rebekkah Bodoff  
ARIEL E. STERN, ESQ.  
Nevada Bar No. 8276  
DARREN T. BRENNER, ESQ.  
Nevada Bar No. 8386  
REBEKKAH BODOFF, ESQ.  
Nevada Bar No. 12703  
1635 Village Center Circle, Suite 200  
Las Vegas, Nevada 89134  
Attorneys for CitiMortgage, Inc.

**ABSOLUTE COLLECTION SERVICES, LLC**

/s/ Shane D. Cox  
SHANE D. COX, ESQ.  
Nevada Bar No. 13852  
8440 W. Lake Mead Blvd., Ste. 210  
Las Vegas, Nevada 89128  
Attorney for Absolute Collection Services, LLC

**PENGILLY LAW FIRM**

/s/ Elizabeth B. Lowell  
JAMES W. PENGILLY, ESQ.  
Nevada Bar No. 8551  
ELIZABETH B. LOWELL, ESQ.  
Nevada Bar No. 8551  
1995 Village Center Cir., Suite 190  
Las Vegas, Nevada 89134  
Attorney for Tierra de las Palmas Owners  
Association

**RICARDO FOJAS**

/s/ Ricardo Fojas  
RICARDO FOJAS  
P.O. BOX 400683  
Las Vegas, Nevada 89140  
Pro se

**ORDER**

IT IS SO ORDERED:

Good cause appearing, it is ordered the July 11, 2018 calendar call and the July 16, 2018 trial setting are hereby vacated. It is further ordered trial is continued to **September 24, 2018 at 9:00 a.m., in courtroom 6A**, and that calendar call is hereby continued to **September 19, 2018 at 1:30 p.m., in courtroom 6A**.

Dated July 9, 2018.

  
UNITED STATES DISTRICT JUDGE

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

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY on July 6, 2018 and pursuant to FRCP 5(b)(2)(E), I caused service via U.S. District Court's Case Management/Electronic Case Files (CM/ECF) system and/or first class mail a true and correct copy of the foregoing **SECOND JOINT MOTION TO CONTINUE TRIAL** addressed to:

James W. Pengilly, Esq.  
Elizabeth B. Lowell, Esq.  
**Pengilly Law Firm**  
1995 Village Center Cir., Ste. 190  
Las Vegas, Nevada 89134  
Attorneys for Tierra de las Palmas Owners  
Association

Shane D. Cox, Esq.  
Absolute Collection Services, LLC  
8440 W. Lake Mead Blvd., Ste. 210  
Las Vegas, Nevada 89128  
Attorney for Absolute Collection Services, LLC

RICARDO FOJAS  
P.O. BOX 400683  
Las Vegas, Nevada 89140  
Pro se

/s/ Rachel Myrick  
\_\_\_\_\_  
An employee of AKERMAN LLP