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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BANK OF AMERICA, N.A., SUCCESSOR
BY MERGER TO BAC HOME LOANS
SERVICING, LP FKA COUNTRYWIDE
HOME LOANS SERVICING, LP,

Plaintiff,

vs.

DESERT PINE VILLAS HOMEOWNERS
ASOCIATION; SFR INVESTMENTS POOL
1, LLC; and ALESSI & KOENIG, LLC,

Defendants.

SFR INVESTMENTS POOL 1, LLC, a
Nevada limited liability company,

Counter/Cross-Claimant,

vs.

BANK OF AMERICA, N.A., SUCCESSOR
BY MERGER TO BAC HOME LOANS
SERVICING, LP FKA COUNTRYWIDE
HOME LOANS SERVICING, LP; and JANET
ROBITAILLE, an individual,

Counter/Cross-Defendants.

Case No.: 2:16-cv-00725-JCM-NJK

**STIPULATION AND ORDER TO
EXTEND TIME FOR THE PARTIES TO
SUBMIT REPLIES IN SUPPORT OF
MOTIONS FOR SUMMARY JUDGMENT
[ECF NOS. 41, 79, 80, 85, AND 86]**

(FIRST REQUEST FOR REPLIES)

Defendant SFR INVESTMENTS POOL 1, LLC (“SFR”), Defendant DESERT PINE
VILLAS HOMEOWNERS ASSOCIATION (the “Association”), and Plaintiff BANK OF
AMERICA, N.A., SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP FKA

1 COUNTRYWIDE HOME LOANS SERVICING, LP (“BANA”)¹ hereby stipulate and agree to
2 extend the time for the parties to reply to the responses to motions for summary judgment as
3 follows: submit this joint motion to extend the time for SFR to respond to BANA’s Response to
4 SFR’s Motion for Summary Judgment [ECF No. 85] filed on April 4, 2017 and to extend the time
5 for BANA to respond to SFR’s Response to BANA’s Motion for Summary Judgment filed on
6 April 4, 2017 [ECF No. 86] as outlined below. The current response due date is April 18, 2017.

7 1. This lawsuit involves the parties seeking quiet title/declaratory relief and other
8 claims related to a non-judicial homeowner's association foreclosure sale conducted on a Property
9 pursuant to NRS 116.

10 2. BANA filed its motion for summary judgment on September 27, 2016. [ECF No.
11 41.]

12 3. SFR filed its motion for partial summary judgment on December 22, 2016. [ECF
13 No. 69.] BANA filed its response to the motion for partial summary judgment on January 11, 2017.
14 [ECF No. 71.] SFR’s reply in support of its motion for partial summary judgment was filed on
15 January 25, 2017. [ECF No. 74.]

16 4. SFR filed its motion for summary judgment on March 15, 2017. [ECF No. 79.] The
17 Association filed a joinder to SFR’s motion on March 20, 2017. [ECF No. 80.]

18 5. After a number of motions and stipulations for stay or extensions of time based
19 primarily on the December 13, 2016 bankruptcy filed by Alessi & Koenig, LLC, which were
20 denied by this Court,² the parties filed their responses to the cross-motions for summary judgment
21 on April 4, 2017 (by BANA) [ECF No. 85] and April 5, 2017 (by SFR) [ECF No. 86].

22 6. The replies in support of SFR’s motion for summary judgment are currently due on
23 April 18, 2017 and the reply in support of BANA’s motion for summary judgment is currently due
24 on April 19, 2017.

25 ¹ Herein, “the Bank” refers to BANA, any predecessors in interest to the First Deed of Trust, as well as any
26 agents acting on behalf of these entities, including but not limited to servicers, trustees and nominee
beneficiaries.

27 ² See ECF Nos. 42 and 72; ECF Nos. 75 and 77; ECF Nos. 78, 83 and 84. See also ECF Nos. 81
28 and 82 (stipulation to stay litigation pending resolution of petition for writ of certiorari in *Bourne
Valley Court Trust v. Wells Fargo Bank, N.A.*, 16-1208).

1 7. None of the motions or stipulations referenced in ¶ 5 and n.2 were specifically
2 directed at the reply briefs in support of the cross-motions for summary judgment which are the
3 subject of this stipulation.

4 8. Undersigned counsel for SFR represented to counsel for BANA and the Association
5 that on April 6, 2017, one of attorneys from Kim Gilbert Ebron (“KGE”) assigned to the case on
6 behalf of SFR was involved in a debilitating automobile accident, resulting in protracted absence
7 from the firm. It is yet unclear as to when the attorney will have the capacity to return to work
8 full-time and her workload is being reassigned.

9 9. Due to the foregoing, the Parties request additional time to submit their replies in
10 support of their motions for summary judgment. This will allow SFR to either re-assign the case
11 to a different attorney or allow for the return of the attorney originally assigned. Additionally it
12 will allow BANA to file its reply contemporaneously with SFR’s reply, and therefore not prejudice
13 any party.

14 10. The parties hereby respectfully request that the deadline for their respective replies
15 and joinders be extended to May 2, 2017 due to this unforeseeable accident.

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11. This request is not meant for purposes of delay or prejudice but to allow SFR to re-assign and fully brief any issues raised in BANA's motion.

Dated this 17th day of April, 2017.

KIM GILBERT EBRON <u>/s/Jacqueline A. Gilbert</u> DIANA CLINE EBRON, ESQ. Nevada Bar No. 10580 JACQUELINE A. GILBERT, ESQ. Nevada Bar No. 10593 KAREN L. HANKS, ESQ. Nevada Bar No. 9578 7625 Dean Martin Drive, Suite 110 Las Vegas, NV 89139 Phone: 702-485-3300 <i>Attorneys for SFR Investments Pool 1, LLC</i>	AKERMAN LLP <u>/s/Melanie D. Morgan</u> MELANIE D. MORGAN, ESQ. Nevada Bar No. 8215 TENESA S. SCATURRO, ESQ. Nevada Bar No. 12488 1160 Town Center Drive, Suite 330 Las Vegas, Nevada 89144 Phone: 702-634-5000 <i>Attorneys for Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing, LP</i>
<u>/s/Tanika M. Capers</u> TANIKA M. CAPERS, ESQ. Nevada Bar No. 10867 6750 Via Austi Parkway, Suite 310 Las Vegas, Nevada 89119 <i>Attorney for Desert Pine Villas Homeowners Association</i>	

ORDER

IT IS SO ORDERED:


UNITED STATES DISTRICT JUDGE

DATED: April 18, 2017

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of April, 2017, pursuant to FRCP 5(b)(2)(E), I caused service of a true and correct copy of the foregoing **STIPULATION AND ORDER TO EXTEND TIME FOR THE PARTIES TO SUBMIT REPLIES IN SUPPORT OF MOTIONS FOR SUMMARY JUDGMENT [ECF NOS. 41, 79, 85, AND 86] (FIRST REQUEST FOR REPLIES)** to be made electronically via the U.S. District Court's Case Management/Electronic Case Files (CM/ECF) system upon the following parties at the e-mail addresses listed below:

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