

1 Abran E. Vigil
Nevada Bar No. 7548
2 Sylvia O. Semper
Nevada Bar No. 12863
3 Kyle A. Ewing
Nevada Bar No. 14051
4 BALLARD SPAHR LLP
100 North City Parkway, Suite 1750
5 Las Vegas, Nevada 89106
Telephone: (702) 471-7000
6 Facsimile: (702) 471-7070
vigila@ballardspahr.com
7 sempers@ballardspahr.com
ewingk@ballardspahr.com

8 *Attorneys for Plaintiff JP Morgan*
9 *Chase Bank, N.A.*

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

12 JPMORGAN CHASE BANK, N.A., a
13 national banking association,

14 Plaintiff,

15 vs.

16 SBW INVESTMENT LLC, a Utah limited
liability company; SFR INVESTMENTS
17 POOL 1, LLC, a Nevada limited liability
company; TIMBER CREEK
18 HOMEOWNERS' ASSOCIATION, a
Nevada non-profit corporation;
19 EDUARDO A. PALANG, JR., an
individual; VIVIAN KIM, an individual,

20 Defendants.
21

Case No. 2:16-cv-01839-GMN-PAL

**STIPULATED DISCOVERY PLAN
AND SCHEDULING ORDER**

**(Submitted pursuant to Court Order,
ECF No. 57)**

22 Pursuant to this Court's November 7, 2017 Order (ECF No. 57),
23 Plaintiff/Counterdefendant JPMorgan Chase Bank, N.A. ("Chase"),
24 Defendant/Counterclaimant SFR Investments Pool 1, LLC, ("SFR"), and Defendant
25 Timber Creek Homeowners Association ("Timber Creek") (collectively, the "Parties")
26 hereby submit the following Stipulated Discovery Plan and Proposed Scheduling
27 Order.

28 ///

BALLARD SPAHR LLP
100 NORTH CITY PARKWAY, SUITE 1750
LAS VEGAS, NEVADA 89106
(702) 471-7000 FAX (702) 471-7070

1 **I. RULE 26(f) CONFERENCE**

2 On October 25, 2016, the Parties conducted a discovery and scheduling order
3 conference (the “Conference”) to discuss all issues required by Fed R. Civ. P. 26(f).
4 Joseph P. Sakai, Esq., attended on behalf of Chase, Diana S. Ebron, Esq., attended on
5 behalf of SFR, and Wing Yan Wong, Esq., attended on behalf of Timber Creek.

6 **II. INITIAL DISCLOSURES [Rule 26(f)(3)(A)]**

7 The Parties have each served initial disclosures.

8 **III. SPECIAL SCHEDULING REVIEW REQUEST**

9 The Parties are not requesting special scheduling review.

10 **IV. DISCOVERY PLAN [Rule 26(f)(3)(B)]**

11 On April 10, 2017, this Court entered an Order administratively staying this
12 case “pending exhaustion of all appeals of *Bourne Valley Court Trust v. Wells Fargo*
13 *Bank*, No. 15-15233 (9th Cir. Aug. 12, 2016).” (ECF No. 55). On November 7, 2017,
14 the Court entered an Order lifting the stay and ordered the parties to submit a
15 proposed scheduling order, as the discovery deadline had not passed at the time of
16 the stay’s entry. (ECF No. 57).

17 Discovery is needed on all issues in Chase’s complaint and SFR’s cross-
18 claim/counterclaim and is expected to take approximately 180 days from November 7,
19 2017, the date this Court lifted the administrative stay.

20 **A. Discovery Cut-Off [LR 26-1(b)(1)]:** May 7, 2018.

21 **B. Deadline for amending pleadings and adding Parties [LR 26-1(b)(2)]:** Not
22 extended because deadline had already passed before the stay was
23 imposed

24 **C. Deadline for disclosures of experts [LR 26-1(b)(3)]:**

25 1. Initial Expert Disclosures: March 8, 2018.

26 2. Rebuttal Expert Disclosures: April 9, 2018.

27 **D. Interim Status Report [LR 26-3]:** March 8, 2018.

28

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

E. Dispositive Motions [LR 26-1(b)(4)]: June 6, 2018.

F. Joint Pre-Trial Order [LR 26-1(b)(5)]: July 6, 2018. Pursuant to LR 26-1(b)(5), if dispositive motions are filed, this date will be suspended until 30 days after decision of the dispositive motions or further order of the Court.

G. Extensions or Modifications of the Discovery Plan and Scheduling Order [LR 26-4]: A request for extension of this Discovery Plan and Scheduling Order shall be filed no later than twenty-one (21) days before the expiration of the subject deadline.

H. Trial Estimate: The Parties estimate 2-3 days for trial.

V. **ALTERNATIVE DISPUTE RESOLUTION [LR 26-1(b)(7)]**

The Parties certify that they have met and conferred about the possibility of using alternative dispute resolution processes including mediation, arbitration, and early neutral evaluation.

VI. **ALTERNATIVE FORMS OF CASE DISPOSITION [LR 26-1(b)(8)]**

The Parties certify that they have considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program.

VII. **DISCLOSURE OR DISCOVERY OF ELECTRONICALLY STORED INFORMATION [LR 26-1(b)(9); Rule 26(f)(3)(C)]**

The Parties anticipate that production of computer-based or digital information may be needed. The Parties agree that the production of such information should be governed by the applicable provisions of the Federal Rules of Civil Procedure.

VIII. **CLAIMS OF PRIVILEGE OR PROTECTION [Rule 26(f)(3)(D)]**

At this time, the Parties are unaware of any claims of privilege or of protection of trial preparation material that require a protective order.

1 The Parties agree that inadvertent production of otherwise privileged
2 materials will not constitute a waiver of the applicable privilege, and that the items
3 so designated shall be returned to the disclosing party and shall not be used for any
4 purpose at trial. Any notice of inadvertent production or disclosure shall be (i) in
5 writing and delivered to opposing counsel; (ii) made on the record in a deposition; or,
6 (iii) asserted in open court. Failure to give notice prior to entry of a ruling on a
7 dispositive motion shall be deemed waiver of the privilege, except that no settlement
8 discussions or offers shall be disclosed for any reason before entry of judgment or
9 award.

10 **IX. LIMITATIONS ON DISCOVERY [Rule 26(f)(3)(E)]**

11 At this time, the Parties do not request any changes to the limitations on
12 discovery imposed by the Federal Rules of Civil Procedure or the Court's local rules.

13 **X. OTHER ORDERS [Rule 26(f)(3)(F)]**

14 None.

15 **XI. LATER APPEARING PARTIES**

16 This Discovery Plan and Scheduling Order shall apply to such later appearing
17 Parties, unless a stipulation of the Parties is approved by the Court, or the Court
18 otherwise orders on motion for good cause shown.

19 **XII. ADDITIONAL INFORMATION**

20 The Parties agree to provide at least 30 days' notice prior to taking a deposition
21 pursuant to Fed. R. Civ. P. 30(b)(6), unless otherwise agreed.

22 *[Remainder of page intentionally left blank]*

1 **XIII. COURT CONFERENCE**

2 The Parties do not request a conference with the Court before the entry of this
3 Discovery Plan and Scheduling Order.

4 Dated: November 28, 2017.

6 BALLARD SPAHR LLP

KIM GILBERT EBRON

8 By: /s/ Sylvia O. Semper
Abran E. Vigil
9 Nevada Bar No. 7548
Sylvia O. Semper
10 Nevada Bar No. 12863
Kyle A. Ewing
11 Nevada Bar No. 14051
100 North City Pkwy, Suite 1750
12 Las Vegas, Nevada 89106

BY: /s/ Diana S. Ebron
Diana S. 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, Nevada 89139

13 *Attorneys for Plaintiff JPMorgan Chase*
14 *Bank, N.A.*

Attorneys for
Defendant/Counterclaimant SFR
Investments Pool 1, LLC

15 Gordon Rees Scully Mansukhani, LLP

17 By: /s/ Wing Yan Wong
Robert S. Larsen, Esq.
18 Nevada Bar No. 7785
Wing Yan Wong, Esq.
19 Nevada Bar No. 13622
300 South Fourth Street, Suite 1550
20 Las Vegas, Nevada 89101

21 *Attorneys for Defendant Timber Creek*
Homeowners Association

23 **ORDER**

24 IT IS SO ORDERED.

25 
26 UNITED STATES MAGISTRATE JUDGE

27 Dated: November 30, 2017