

1 **McCARTHY & HOLTHUS, LLP**
 2 Kristin A. Schuler-Hintz (NSB# 7171)
 3 khintz@mccarthyholthus.com
 4 Thomas N. Beckom, Esq. (NSB# 12554)
 5 tbeckom@mccarthyholthus.com
 6 9510 West Sahara Avenue, Suite 200
 7 Las Vegas, NV 89117
 8 Telephone: (702) 685-0329
 9 Attorneys for Plaintiff

6 **UNITED STATES DISTRICT COURT**
 7 **DISTRICT OF NEVADA**

10 KEVIN M. GAMBLE,

Case No. 2:16-cv-01936-GMN-CWH

11 Plaintiff,

12 v.

13 HUNTINGTON NATIONAL BANK;
 14 HOMEWARD RESIDENTIAL, INC;
 15 SYNCHRONY BANK; EQUIFAX
 16 INFORMATION SERVICES, LLC;
 17 EXPERIENCE INFORMATION SOLUTIONS,
 18 INC; TRANSUNION, LLC

Defendants.

**STIPULATION FOR EXTENSION OF
 TIME TO RESPOND TO THE
 COMPLAINT AS WELL AS
 STIPULATION RESOLVING
 OBJECTION [DOC 25] AND OTHER
 RELATED MATTERS
 (Third Request)**

McCARTHY & HOLTHUS, LLP
 ATTORNEYS AT LAW
 9510 WEST SAHARA AVENUE, SUITE 200
 LAS VEGAS, NV 89117
 TELEPHONE (702) 685-0329/Facsimile (866) 339-5961

19 COMES HOMEWARD RESIDENTIAL INC, (hereinafter "HOMEWARD") on the one
 20 hand by and through their counsel of record Thomas N. Beckom, Esq of the law firm of McCarthy
 21 & Holthus LLP; and KEVIN GAMBLE ("GAMBLE") by and through their counsel of record
 22 Matthew I. Knepper, Esq of the Law Firm of Knepper & Clark, LLC and hereby file this
 23 Stipulation for Extension of Time to Respond to the Motion to Dismiss as well as Stipulation
 24 Resolving Objection and Other Related Matters pursuant to LR 6-1.

25 **RECITALS**

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- 27 1. On August 15, 2016 Gamble filed a complaint alleging *inter alia* violations of the Fair
 28 Credit Reporting Act. [Doc 1]

- 1 2. On or about September 7, 2016; Homeward filed a Motion to Dismiss [Doc 9] and
2 thereafter filed a Motion to Stay Discovery [Doc 14] in which the nexus of both motions
3 was that Mr. Gamble had not made a prima facie showing on an inaccuracy sufficient to
4 support a claim under the Fair Credit Reporting Act. Mr. Gamble disagrees with
5 Homeward's assessment.
- 6 3. Additionally, Homeward contended in the Motion to Stay Discovery that discovery would
7 be essentially unduly burdensome and a *carte blanc* invasion into Homeward's affairs
8 which was unnecessary in light of the credit report containing no inaccuracy. Mr. Gamble
9 disagrees with this assessment.
- 10 4. On October 6, 2016; Gamble filed a proposed discovery plan which had affixed
11 Homeward's attorney's e-signature to the plan. [Doc 24].
- 12 5. On October 6, 2016; Homeward objected and in said objection noted that there may have
13 been a miscommunication regarding ratification of the Discovery Plan as Homeward
14 continued to contend that in light of the lack of a prima facie inaccuracy in the credit
15 report that FRCP 26 disclosures as well as extensive discovery into the elements of an
16 FCRA claim were inappropriate. Gamble however disagrees and contends that discovery
17 is appropriate, however does agree that the e-signature issue was the result of an errant
18 miscommunication.
- 19 6. In the interim however, Gamble and Homeward have engaged in settlement discussion and
20 Gamble has issued a settlement proposal to Homeward. Homeward is evaluating this
21 settlement proposal at this time.
- 22 7. Due to the pending settlement discussion Gamble and Homeward hereby stipulate as
23 follows.
- 24 8. Gamble has previously asked for two extensions to respond to the Motion to Dismiss,
25 however the nexus of the matter has changed in that the parties may settle.
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9. Homeward however reserves all rights and continues to contend that discovery is improper unless it is satisfied that Gamble has made a prima facie showing of a violation under the FCRA.

STIPULATION

It is hereby **STIPULATED** that Gamble shall have until October 21, 2016 to respond to the Motion to Dismiss the Complaint as well as the Motion to Stay Discovery;

It is further **STIPULATED** that Homeward shall have until October 28, 2016 to produce Fed. R. Civ. Pro 26 disclosures, however Homeward will not be compelled to produce its policies and procedures for credit reporting until either (1) a discovery request is directed at Homeward requesting this material (which would allow Homeward to object on an appropriate basis) or (2) the Motion to Stay Discovery is resolved;

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It is further **STIPULATED** that the Objection to the Proposed Discovery Plan [Doc 25] is hereby deemed withdrawn however both parties note that Homeward continues to affirm its original position regarding a discovery stay which will be resolved by the magistrate at a later date as appropriate

DATED this 6th day of October, 2016

DATED this 6th day of October, 2016

KNEPPER AND CLARK LLC

McCARTHY & HOLTHUS, LLP

/s/ Matthew Knepper, Esq

/s/ Thomas N. Beckom, Esq

Matt Knepper, Esq
Nevada Bar No. 12796
10040 W. Cheyenne Ave. Suite 170-109
Las Vegas, NV 89129
Attorney for
Kevin Gamble

Kristin A. Schuler-Hintz, Esq
Nevada Bar No. 7171
Thomas N. Beckom, Esq
Nevada Bar No. 12554
9510 West Sahara Avenue, Suite 200
Las Vegas, Nevada 89117
Attorney for the Homeward Residential

IT IS SO ORDERED

DATED this October 13 , 2016



UNITED STATES MAGISTRATE JUDGE