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 The Bank of New York as Successor in Interest to
 8 JPMorgan Chase Bank, N.A. as Trustee for
 Structured Asset Mortgage Investments II Inc.
 9 Mortgage Pass Through Certificates, Series 2006-
 AR2

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

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14 THE BANK OF NEW YORK MELLON F/K/A
 THE BANK OF NEW YORK AS SUCCESSOR
 15 IN INTEREST TO JPMORGAN CHASE
 BANK, N.A. AS TRUSTEE FOR
 16 STRUCTURED ASSET MORTGAGE
 INVESTMENTS II INC. MORTGAGE PASS-
 17 THROUGH CERTIFICATES, SERIES 2006-
 AR2,

Case No.: 2:16-cv-02179-JAD-DJA

**STIPULATION AND ORDER TO MOVE
 SETTLEMENT CONFERENCE DATE
 (FIRST REQUEST)**

18 Plaintiff,

19 vs.

20 D'ANDREA COMMUNITY ASSOCIATION;
 21 LVDG LLC SERIES 110; THUNDER
 PROPERTIES, INC. and ALESSI & KOENIG,
 22 LLC,

23 Defendants.

24 Plaintiff The Bank of New York Mellon f/k/a The Bank of New York as Successor in Interest
 25 to JPMorgan Chase Bank, N.A. as Trustee for Structured Asset Mortgage Investments II Inc.
 26 Mortgage Pass Through Certificates, Series 2006-AR2 (**BoNYM**) and defendants D'Andrea
 27 Community Association (**D'Andrea**), LVDG LLC Series 110 (**LVDG**) and Thunder Properties, Inc.
 28 (**Thunder**) respectfully submit this stipulation to vacate the current settlement conference setting on

1 December 16, 2019, including the settlement statement deadline of December 5, 2019, and continue
2 the conference to the first available date convenient for the court.

3 **I. CASE BACKGROUND.**

4 This dispute relates to an HOA foreclosure sale on property located at 2465 Tuscan Way,
5 Sparks, Nevada 89434. BoNYM asserts that its deed of trust was not extinguished by the sale and
6 seeks quiet title declaratory relief to that effect. LVDG and Thunder contend that the deed of trust
7 was extinguished as a matter of law by the HOA foreclosure sale. Alternatively, LVDG and
8 Thunder contend that the deed of trust was extinguished as a matter of law 10 years after the
9 associated debt became fully due and owing pursuant to NRS 106.240.

10 The district court already heard summary judgment motions and oral argument. Following
11 the summary judgment hearing, the court referred this case for a settlement conference, which is
12 scheduled for December 16, 2019. Since then, counsel for BoNYM and LVDG/Thunder has been
13 discussing the need for limited discovery on the issue of NRS 106.240, specifically, whether the
14 mortgage loan was accelerated and/or decelerated. BoNYM agreed to disclose its loan file upon the
15 issuance of a stipulated protective order, which was entered December 2, 2019. Counsel for
16 LVDG/Thunder want to depose BoNYM.

17 Given the limited time before the upcoming settlement conference, BoNYM is unable to find
18 a witness on such short notice. The parties proposed BoNYM's deposition occur December 16,
19 2019, the date of the settlement conference, given BoNYM has a witness available on that day.
20 BoNYM confirmed the same witness could serve as BoNYM's Rule 30(b)(6) deponent, assuming
21 LVDG/Thunder send proposed topics in time for the witness to prepare.

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1 In an effort to accommodate LVDG/Thunder's request for deposition, the parties respectfully
2 request the current settlement conference date of December 16, 2019, be rescheduled at a date and
3 time convenient for the court.

4 DATED December 2nd, 2019.

<p>5 6 AKERMAN LLP 7 /s/ Donna M. Wittig 8 MELANIE D. MORGAN, ESQ. 9 Nevada Bar No. 8215 10 DONNA M. WITTIG, ESQ. 11 Nevada Bar No. 11015 12 1635 Village Center Circle, Suite 200 13 Las Vegas, Nevada 89134 14 Attorneys for The Bank of New York Mellon</p>	<p>ROGER P. CROTEAU & ASSOCIATES, LTD. /s/ Timothy E. Rhoda ROGER P. CROTEAU, ESQ. Nevada Bar No. 4958 TIMOTHY E. RHODA, ESQ. Nevada Bar No. 7878 9120 West Post Road, Suite 100 Las Vegas, Nevada 89148 Attorneys for LVDG LLC Series 110 and Thunder Properties, Inc.</p>
<p>13 BOYACK ORME & ANTHONY 14 /s/ Colli C. McKiever 15 EDWARD D. BOYACK, ESQ. 16 Nevada Bar No. 5229 17 COLLI C. MCKIEVER, ESQ. 18 Nevada Bar No. 13724 19 7432 West Sahara Avenue, Suite 101 20 Las Vegas, Nevada 89117 21 Attorneys for D'Andrea Community 22 Association</p>	

23 **IT IS SO ORDERED.** The Court will enter a separate order resetting the
24 settlement conference.

25 DATED this 4th day of December, 2019.

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28 Daniel J. Albregts
United States Magistrate Judge