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8 *Attorneys for Plaintiff Wells Fargo Bank, N.A.*

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

12 WELLS FARGO BANK, N.A., a national  
banking association,

13 Plaintiff,

14 vs.

15 SFR INVESTMENTS POOL 1, LLC, a  
16 Nevada limited-liability company;  
17 HOMEOWNER ASSOCIATION SERVICES,  
18 INC., a Nevada corporation; THE  
19 FOOTHILLS AT MACDONALD RANCH  
MASTER ASSOCIATION, a Nevada non-  
profit corporation;,  
20

21 Defendants.

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

23 Counter-Claimant,

24 vs.

25 WELLS FARGO BANK, N.A., a national  
banking association; TRANSUNION  
26 SETTLEMENT SOLUTIONS,

27 Counter-Defendant/Cross-Defendant.  
28

Case No. 2:16-cv-02257-JCM-CWH

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY DEADLINES**

**(FIRST REQUEST)**

1                                    **STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINES**

2                    Pursuant to Fed. R. Civ. P. 26(f), and Local Rules 6-1, 26-1 and 26-4, Wells Fargo Bank,  
3 N.A. (“Wells Fargo”) and SFR Investments Pool 1, LLC (“SFR” and together with Wells Fargo,  
4 the “Parties”), by and through their respective undersigned counsel of record, submit this  
5 Stipulation and Proposed Order to extend the discovery deadlines in this action by sixty days.  
6 This is the Parties’ first request for extension of the operative discovery schedule.<sup>1</sup>

7                    **A. Discovery Completed**

- 8                                    1. Both Parties have served document demands and written discovery;  
9                                    2. SFR served answers and objections thereto;  
10                                   3. Wells Fargo served its expert disclosures; and  
11                                   4. The person most knowledgeable for SFR appeared for deposition.

12                    **B. Discovery that Remains to be Completed**

- 13                                   1. Wells Fargo’s responses and objections to SFR’s requests for production and  
14 written discovery (the deadline for these responses is upcoming);  
15                                   2. Deposition of the person most knowledgeable for Wells Fargo;  
16                                   3. Production of documents by non-party the Foothills at MacDonald Ranch Master  
17 Association (the “HOA”); and  
18                                   4. Deposition of the person most knowledgeable for the HOA.

19                    **C. Reasons Why Discovery Was Not Completed**

20                    The parties have acted diligently to complete discovery within the time provided.  
21 However, additional time is requested in good faith and for good cause for the following reasons.

22                    First, a dispute arose between the parties over whether SFR’s requests for admission and  
23 other discovery demands were within the scope of FRCP 26(b). On February 13, 2018 SFR  
24 served a detailed and expansive set of 112 requests for admission. Wells Fargo subsequently  
25 provided SFR a particularized list of its objections to these requests and the basis for a potential

26                    <sup>1</sup> The parties previously submitted three different proposed Discovery Plans and Scheduling  
27 Orders. The first was denied without prejudice in light of the stay of this action. *See* ECF No. 52.  
28 The second was denied without prejudice for failure to include certain certifications required by  
local rule 26-1(b). *See* ECF No. 57. This is the first request for extension of an operative  
discovery plan.

1 motion for a protective order.

2 On March 1, 2018 the parties conducted a meet and confer to address Wells Fargo's  
3 objections. The parties reached an agreement intended to obviate the need for judicial  
4 intervention. Wells Fargo agreed that, rather than move for a protective order, it will serve  
5 responses and objections to the requests to admit, with the intent that its responses will be used in  
6 lieu of deposition. Accordingly, SFR agreed to vacate the previously noticed deposition of the  
7 person most knowledgeable for Wells Fargo. SFR also agreed to withdraw an interrogatory and a  
8 request for production, both of which related to the RFAs, and which also sought a substantial  
9 amount of information in light of the number of RFAs.

10 In order to answer the expansive set of requests for admission, the parties further agreed  
11 that Wells Fargo's deadline to respond to SFR's discovery demands should be extended by thirty  
12 days from March 19, 2018 to April 16, 2018 and that SFR should be provided sufficient time  
13 thereafter to conduct a limited deposition of Wells Fargo's person most knowledgeable if  
14 necessary. The foregoing necessitates the extension requested herein.

15 Second, though Wells Fargo timely served subpoenas upon the non-party HOA for the  
16 production of documents and attendance at deposition, the HOA has yet to comply with either  
17 subpoena. Wells Fargo has engaged in continued discussions with counsel for the HOA and  
18 believes the documents and deposition testimony will be obtained without the intervention of the  
19 Court. However, counsel for the HOA advised Wells Fargo that it expects the document  
20 production will be extensive. Accordingly, additional time beyond the existing discovery cut-off  
21 is required for Wells Fargo to obtain the requested documents and then prepare for, and conduct,  
22 the deposition of the HOA.

23 Finally, the parties recognize that this request is made less than 21 days before the existing  
24 discovery cut-off date of March 22, 2018 and respectfully submit that the failure to make this  
25 request earlier was the result of excusable neglect. Specifically, as stated above, Wells Fargo  
26 originally believed it would be required to make a motion for a protective order, within the  
27 existing deadline, with respect to SFR's discovery demands. The issues presented by these  
28 demands were multi-faceted and required time to be researched and addressed in writing to SFR.

1 The parties promptly held a meet and confer thereafter and reached the resolution described  
 2 above. Further, Wells Fargo has diligently attempted to obtain discovery from the HOA but, as of  
 3 yet, has been unable to complete this process as described above. Finally, the Parties note that no  
 4 party will be prejudiced by the requested extension.

5 **D. Proposed Schedule for Remaining Discovery**

<u>EVENT</u>	<u>EXISTING DEADLINE</u>	<u>NEW DEADLINE</u>
Discovery cut-off	March 22, 2018	May 22, 2018
Dispositive motions	April 23, 2018	June 23, 2018
Pre-trial order and FRCP 26(a)(3) disclosures	May 23, 2018	July 23, 2018

12  
13 Dated: March 8, 2018.

14 **KIM GILBERT EBRON**

15 By: /s/ Diana Cline Ebron  
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 25 *SFR Investments Pool 1, LLC*

Dated: March 8, 2018.

**SNELL & WILMER L.L.P.**

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*Wells Fargo Bank, N.A.*

**ORDER**

IT IS SO ORDERED:

  
 UNITED STATES MAGISTRATE JUDGE

DATED: March 9, 2018

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 8, 2018, I electronically filed the foregoing with the Clerk of Court for the U.S. District Court, District of Nevada by using the Court's CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

/s/ Sheri Quigley  
An Employee of Snell & Wilmer L.L.P.