

1 Abran E. Vigil  
2 Nevada Bar No. 7548  
3 Russell J. Burke  
4 Nevada Bar No. 12710  
5 BALLARD SPAHR LLP  
6 100 North City Parkway, Suite 1750  
7 Las Vegas, Nevada 89106  
8 Telephone: (702) 471-7000  
9 Facsimile: (702) 471-7070  
10 vigila@ballardspahr.com  
11 burker@ballardspahr.com

12 *Attorneys for Plaintiff/Counter-Defendant*

13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF NEVADA**

15 JPMORGAN CHASE BANK, N.A.,

16 Case No.: 2:16-cv-02781-RFB-PAL

17 Plaintiff,

18 **STIPULATION AND ORDER TO**  
19 **EXTEND SCHEDULING ORDER**

20 vs.

21 **(First Request)**

22 SFR INVESTMENTS POOL 1, LLC, a  
23 Nevada limited liability company; and  
24 SUTTER CREEK HOMEOWNERS  
25 ASSOCIATION, a Nevada non-profit  
corporation,

26 Defendants.

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

1 Counterclaimant,

2 vs.

3 JPMORGAN CHASE BANK, N.A.;

4 Counter-Defendant.

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

7 Cross-Claimant,

8 vs.

9 WAI CHUNG NG, an individual,  
10 Cross-Defendant.

1 Pursuant to LR IA 6-1 and LR 26-4, plaintiff/counter-defendant JPMorgan  
 2 Chase Bank, N.A. (“Chase”), defendant/counterclaimant SFR Investments Pool 1,  
 3 LLC (“SFR”), defendant Sutter Creek Homeowners’ Association (the “HOA”) (all  
 4 parties together, the “Parties”),<sup>1</sup> by and through their respective counsel of record,  
 5 stipulate and request that this Court extend discovery and dispositive motion  
 6 deadlines in the above-captioned case by approximately 90 days, to permit the  
 7 Parties to efficiently complete party depositions and outstanding written discovery.  
 8 The Parties have conferred and agree that this brief extension is the most  
 9 reasonable, most economical, and least burdensome way to complete discovery in  
 10 this case.<sup>2</sup>

11 This is the Parties’ first request for an extension to the scheduling order  
 12 deadlines, which were submitted in compliance with LR 26-1. The Parties make  
 13 this request in good faith and not for purposes of delay.

14 **I. Discovery Completed to Date**

15 To date, Chase has served the following discovery: initial disclosures; initial  
 16 expert disclosure; requests for production to SFR; interrogatories to SFR; notice of  
 17 Rule 30(b)(6) deposition of SFR; requests or production to the HOA; interrogatories  
 18 to the HOA; and deposition of the HOA.

19 To date, SFR has served the following discovery: initial disclosures; requests  
 20 for production to Chase; interrogatories to Chase; requests for admission to Chase;  
 21 notice of deposition of Chase.

22 To date, the HOA has served its initial disclosures.

23 **B. Specific Description of Discovery that Remains to be Completed**

24 The Parties are awaiting responses to the served discovery requests prior to  
 25 taking the respective Rule 30(b)(6) depositions. In addition, they are working to

---

26 <sup>1</sup> Wai Chung Ng has no appeared in this action.

27 <sup>2</sup> The Parties expressly agree to waive the clause of the Discovery Plan and  
 28 Scheduling Order in which the Parties requested a 21-day notice for extensions of  
 discovery.

1 schedule third-party and party depositions. The parties have also noticed Rule  
 2 30(b)(6) party depositions for SFR and Chase. As discussed below, however, they  
 3 seek to schedule Chase's deposition to occur after the current discovery cutoff.<sup>3</sup>

4 **C. Good Cause Exists for the Requested Extension**

5 Good cause exists for the requested extension, as it will provide time for the  
 6 parties to complete written discovery and schedule depositions in a way that  
 7 minimizes burden and increases efficiency. SFR served voluminous written  
 8 (approximately 170 discovery requests) on Chase on the last day to serve discovery.  
 9 While Chase requires additional time to respond to SFR's discovery, Chase's current  
 10 response deadline is December 4, 2017—*i.e.*, the last day of the discovery period.  
 11 SFR is willing to provide Chase with an extension for its responses, but it cannot do  
 12 so unless discovery is extended.

13 Additionally, SFR has noticed Chase's deposition for November 29, 2017, but  
 14 Chase's Rule 30(b)(6) designee is unavailable on this date due to other depositions.  
 15 Chase has noticed SFR's deposition for December 4, 2017, but SFR's designee is  
 16 unavailable on this date due to other depositions. The Parties have met and  
 17 conferred about rescheduling the Chase deposition to take place during February  
 18 2018, when the Chase designee will be available and in Las Vegas.<sup>4</sup> The Parties  
 19 have met and conferred about rescheduling the SFR deposition at a time and date  
 20 convenient to all Parties. This approach will significantly minimize the cost and  
 21 burden to the witness.

22 Moreover, scheduling the Chase deposition during this time period will also  
 23 allow SFR to obtain Chase's written discovery responses before deposing Chase, a  
 24 logical process that will enable SFR to conduct an efficient, productive, and targeted

25  
 26 <sup>3</sup> The parties further reserve their rights to meet and confer and, if necessary,  
 27 engage in motion practice regarding any discovery issues that may arise.

28 <sup>4</sup> Chase's designee needs until February 2018 to conduct the deposition due to an  
 29 upcoming medical procedure.

1 deposition. SFR anticipates that it will be able to significantly limit the scope of the  
 2 deposition based on the responses to its written discovery.

3 Finally, this is the Parties' first request to extend discovery, and the Parties  
 4 do not anticipate any further extensions. The Parties have diligently engaged in  
 5 discovery to date and seek this extension in good faith.

6 **D. Proposed Discovery Deadlines**

7 The Parties request an order extending the close of discovery, the deadline to  
 8 file dispositive motions, and the deadline to file a pre-trial order. This extension is  
 9 reasonable and necessary given the good cause set forth above.

Event	Current Deadline <sup>5</sup>	New Deadline
Close of Discovery	December 11, 2017	February 28, 2018
Dispositive Motions	January 10, 2018	March 27, 2018
Pre-Trial Order	February 9, 2018	April 26, 2018

10  
 11 **IT IS SO STIPULATED.**

12  
 13 Respectfully submitted this 27th day of November, 2017.

14 15 16 17 Ballard Spahr LLP 18 By: <u>/s/ Russell J. Burke</u> Joel E. Tasca, Esq. NV Bar No. 14124 Russell J. Burke, Esq. NV Bar 12710 100 N. City Parkway, Suite 1750 Las Vegas, NV 89106 <i>Attorneys for JPMorgan Chase Bank,    N.A.</i>	19 20 21 22 Hall, Jaffe & Clayton, LLP By: <u>/s/ Ashlie L. Surur</u> Ashlie L. Surur, Esq. NV Bar No. 11290 7425 Peak Drive Las Vegas, NV 89128 <i>Attorneys for Sutter Creek Homeowners'    Association</i>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

23  
 24     ///

25     ///

26     ///

27  
 28 <sup>5</sup> See Scheduling Order, ECF No. 26.

1 Kim Gilbert Ebron  
2 By: /s/ Diana S. Ebron  
3 Diana S. Ebron, Esq.  
4 NV Bar No. 10580  
5 7625 Dean Martin Drive, Suite 110  
6 Las Vegas, NV 89139  
7 *Attorneys for SFR Investments Pool 1,*  
8 *LLC*

9  
10 **ORDER**  
11

12 IT IS SO ORDERED:  
13

14   
15 UNITED STATES MAGISTRATE JUDGE  
16

17 DATED: November 29, 2017  
18