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7 *Attorneys for Defendant*
8 *Wells Fargo Bank, N.A. (also incorrectly*
named as Wells Fargo Home Mortgage)

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

12 SHEILA K. STUPPY,

13 Plaintiff,

CASE NO.: 2:16-cv-02954-JCM-PAL

14 vs.

15 WELLS FARGO HOME MORTGAGE;
16 WELLS FARGO BANK, N.A., CLEAR
RECON CORP.;

17 Defendants.

**DEFENDANT WELLS FARGO
BANK, N.A.'S EX PARTE
MOTION TO EXTEND TIME TO
RESPOND TO PLAINTIFF'S
COMPLAINT**

18 Pursuant to Federal Rule of Civil Procedure 7(b) and Local Rules 6-2 and 7-5(b) for the
19 District of Nevada, Defendant Wells Fargo Bank, N.A., also incorrectly sued as Wells Fargo
20 Home Mortgage ("Wells Fargo") respectfully submits this Ex Parte Motion to Extend Deadline to
21 Respond to the Complaint filed by Plaintiff Sheila K. Stuppy ("Plaintiff"), which was removed to
22 this Court on December 21, 2016 (the "Motion").¹

23 Wells Fargo respectfully requests an extension of time to respond to Plaintiff's Complaint
24 for twenty-one (21) days. In support of this Motion, Wells Fargo states as follows:

25 1. On or about December 2, 2016, Plaintiff commenced an action in the District
26 Court of the State of Nevada, Clark County, styled *Stuppy v. Wells Fargo Home Mortgage, Wells*
27

28 ¹ The filing of this Motion does not waive any of Defendants' rights or remedies and the Defendants explicitly preserve all of their rights, claims and defenses.

1 *Fargo Bank, N.A., Clear Recon Corp. (Case No. A-16-747526-C).*

2 2. On December 21, 2016, Wells Fargo removed the action to this Court.

3 3. While Wells Fargo disputes whether service was proper, out of an abundance of
4 caution, and pursuant to FRCP 81(c), Wells Fargo's response to the Complaint may be due on
5 Wednesday, December 28, 2016.

6 4. There are currently no scheduled hearings in this case. A short extension to file a
7 response will not unduly delay the proceedings. There will be no adverse effect or prejudice to
8 any of the parties if this Motion is granted.

9 5. Wells Fargo's counsel was only recently retained, and has not yet had an
10 opportunity to review all of the documents necessary to prepare a response.

11 6. Additionally, Wells Fargo's counsel has a previously planned vacation over the
12 holidays, and will be out of the country for the remainder of the year.

13 7. Wells Fargo has made efforts to stipulate as to an extension of time. Plaintiff has
14 filed this action pro se, and did not list a phone number or an email address on the case cover
15 sheet of the original action.

16 8. Counsel for Wells Fargo located a phone number for Plaintiff, and left a message
17 on Thursday, December 15, 2016, to discuss an extension to respond. Plaintiff did not respond to
18 the message.

19 8. On Tuesday, December 20, 2016, counsel for Wells Fargo again attempted to
20 telephone Plaintiff to discuss an extension. An automated recording at the number indicated that
21 Plaintiff's voicemail was full, and unable to accept new messages. Counsel for Wells Fargo was
22 unable to make live telephone contact with Plaintiff.

23 9. Pursuant to LR 7-5(b), good cause exists as to why this Motion has been submitted
24 to the Court without prior notice to Plaintiff. Wells Fargo attempted to discuss an extension with
25 Plaintiff, but Wells Fargo does not have an email address or other known phone number for
26 Plaintiff.

27 10. Wells Fargo has not previously requested an extension of time from this Court.
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WHEREFORE, Wells Fargo respectfully requests that this Court enter an Order extending the time for its response to the Complaint to no sooner than twenty-one (21) days from the original due date, or to January 19, 2017.

Dated: December 22, 2016

SNELL & WILMER L.L.P.

By: /s/ Tanya N. Peters

Robin E. Perkins, Esq.

Tanya N. Peters, Esq.

3883 Howard Hughes Parkway, Suite 1100

Las Vegas, NV 89169

Attorneys for Defendant Wells Fargo Bank, N.A.

(also incorrectly named as Wells Fargo Home Mortgage)

ORDER

Based on the foregoing and for good cause, **IT IS ORDERED THAT** Wells Fargo's deadline to respond to Plaintiff's complaint is extended to January 19, 2017.

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED December 28, 2016.

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CERTIFICATE OF SERVICE

I hereby declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the foregoing **DEFENDANT WELLS FARGO BANK, N.A.’s EX PARTE MOTION TO EXTEND TIME TO RESPOND TO PLAINTIFF’S COMPLAINT** by the method indicated below:

- | | | | |
|-------------------|------------------------|-------------------|--------------------|
| <u> X </u> | U.S. Mail | <u> </u> | Federal Express |
| <u> </u> | U.S. Certified Mail | <u> </u> | Electronic Service |
| <u> </u> | Facsimile Transmission | <u> </u> | Hand Delivery |
| <u> </u> | Overnight Mail | | |

and addressed to the following:

Sheila K. Stuppy
P.O. Box 750725
Las Vegas, Nevada 89136

Plaintiff

DATED this 22nd day of December, 2016.

/s/ Nissa Riley
An Employee of Snell & Wilmer L.L.P.

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