

Snell & Wilmer
LLP
LAW OFFICES
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, Nevada 89169
702.784.5200

1 Robin E. Perkins, Esq.
Nevada Bar No. 9891
2 Tanya N. Peters, Esq.
Nevada Bar No. 8855
3 SNELL & WILMER L.L.P.
3883 Howard Hughes Parkway, Suite 1100
4 Las Vegas, NV 89169
Telephone: (702) 784-5200
5 Facsimile: (702) 784-5252
Email: rperkins@swlaw.com
6 Email: tpeters@swlaw.com

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

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

12 SHEILA K. STUPPY,

13 Plaintiff,

14 vs.

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

17 Defendants.

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

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

(Second Request)

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 a second extension of time to respond to Plaintiff's
24 Complaint, for fourteen (14) days, to February 2, 2017. In support of this Motion, Wells Fargo
25 states as follows:

26 1. On or about December 2, 2016, Plaintiff commenced an action in the District
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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 Court of the State of Nevada, Clark County, styled *Stuppy v. Wells Fargo Home Mortgage, Wells*
2 *Fargo Bank, N.A., Clear Recon Corp.* (Case No. A-16-747526-C).

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

4 3. In accordance with the prior order of this Court, Wells Fargo's Answer or other
5 response is due on January 19, 2017 [Docket No. 5].

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 requires an additional brief extension to prepare its response
10 due to the holidays and client coordination efforts.

11 6. Wells Fargo has made efforts to stipulate as to an extension of time. Plaintiff has
12 filed this action pro se, and did not list a phone number or an email address on the case cover
13 sheet of the original action. Counsel for Wells Fargo left a message for Plaintiff today, January
14 17, 2017, regarding this requested extension. Additionally, Plaintiff has not responded to
15 multiple phone messages and emails to Plaintiff from Wells Fargo since December 2016.

16 7. Furthermore, a Joint Status Report is due to the Court on January 20, 2017.
17 Counsel for Wells Fargo mailed a proposed Joint Status Report to Plaintiff on January 13, 2017,
18 but has not yet received a response.

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

23 10. Wells Fargo has previously requested one 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 for an additional fourteen (14) days, to February 2, 2017.

Dated: January 17, 2017

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 February 2, 2017.

IT IS SO ORDERED.


MAGISTRATE JUDGE

DATED January 18, 2017.

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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 17th day of January, 2017.

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

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