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

15 PROF-2013-S3 LEGAL TITLE TRUST IV, BY
 16 U.S. BANK NATIONAL ASSOCIATION, AS
 17 LEGAL TITLE TRUSTEE,

18 Plaintiff,

19 vs.

20 REO INVESTMENT ADVISORS V, LLC,
 21 RICHARD BARON, MANAGER; EL
 22 DORADO NEIGHBORHOOD SECOND
 23 HOMEOWNERS ASSOCIATION,

24 Defendants.

25 REO INVESTMENT ADVISORS V, LLC,

26 Counterclaimant,

27 vs.

28 PROF-2013-S3 LEGAL TITLE TRUST IV, BY
 U.S. BANK NATIONAL ASSOCIATION, AS
 LEGAL TITLE TRUSTEE,

Counter-Defendant.

Case No.: 2:17-cv-00277-JCM-CWH

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

[SECOND REQUEST]

Plaintiff/Counter-Defendant, PROF-2013-S3 Legal Title Trust IV, by U.S. Bank National
 Association, as Legal Title Trustee (hereinafter "PROF"), Defendant/Counterclaimant, REO Investment

1 Advisors V, LLC (hereinafter "REO"), and Defendant, El Dorado Neighborhood Second Homeowners
2 Association ("HOA") (collectively, the "Parties"), by and through their respective counsels of record,
3 hereby submit the following Stipulation and Order to extend the discovery deadlines for sixty (60) days.
4

5 **A. DISCOVERY COMPLETED TO DATE:**

6
7 PROF served its Initial Disclosure of Witnesses and Documents on May 17, 2017, disclosed its
8 expert witness on August 15, 2017, and served its Supplemental Disclosures on November 14, 2017.
9 HOA served its Initial Disclosure of Witnesses and Documents on November 17, 2017. PROF also
10 propounded written discovery on REO and HOA, and served a deposition subpoena duces tecum to Terra
11 West Collections Group, LLC d/ba Assessment Management Services ("HOA Trustee"). PROF also
12 completed the deposition of HOA Trustee on November 8, 2017. PROF also scheduled the depositions of
13 REO and HOA for November 21 and November 27, 2017, respectively.
14

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16 **B. DISCOVERY ANTICIPATED TO BE COMPLETED IN THE FUTURE:**

17 PROF has the deposition of HOA scheduled for November 27, 2017. PROF and REO are working
18 to reschedule the deposition of REO's corporate designee after the designee's depositions previously
19 scheduled for October 23, 2017 and November 21, 2017, did not go forward. PROF also expects to
20 disclose additional documents pursuant to the stipulated protective order granted on November 21, 2017.
21

22 **C. REASONS WHY DISCOVERY SHOULD BE EXTENDED:**

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24 Regarding the requested extension of discovery, good cause exists to extend the discovery
25 deadline 60 days. Good cause to extend the discovery cutoff exists "if it cannot reasonably be met despite
26 the diligence of the party seeking the extension." See Johnson v. Mammoth Recreations, Inc., 975 F.2d
27 604, 608-09 (9th Cir. 1992). Here, PROF noticed the deposition of REO within the discovery period,
28 however, REO's corporate designee, at the last minute on two occasions, notified PROF's counsel they

1 would not be able to attend the scheduled deposition. Further, PROF expects to disclose additional
2 documents prior to the end of the discovery period that should be received by PROF's counsel shortly.
3 PROF's failure to seek an extension sooner is also the result of excusable neglect as PROF timely noticed
4 the deposition of REO but REO did not appear at two scheduled depositions, requiring rescheduling. This
5 is the parties' second request for this extension and is not intended to cause any delay or prejudice to any
6 party.

7 **D. PROPOSED DISCOVERY EXTENSION:**

8 **1. The current discovery deadlines**

9	Deadline to complete discovery:	November 29, 2017
10	Motion to amend pleadings or add parties	August 1, 2017 (unchanged)
11	Initial Expert Disclosures	August 31, 2017 (unchanged)
12	Rebuttal Expert Disclosures	September 29, 2017 (unchanged)
13	Dispositive Motion Deadline	December 29, 2017

14 **2. Proposed extended discovery deadlines:**

15	Deadline to complete discovery:	January 29, 2017 2018
16	Motion to amend pleadings or add parties	August 1, 2017 (unchanged)
17	Initial Expert Disclosures	August 31, 2017 (unchanged)
18	Rebuttal Expert Disclosures	September 29, 2017 (unchanged)
19	Dispositive Motion Deadline	February 28, 2017 2018

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21 IT IS SO STIPULATED.
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1 DATED: November 22, 2017.

2 WRIGHT, FINLAY & ZAK, LLP

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12 S3 Legal Title Trust IV, by U.S. Bank
13 National Association, as Legal Title Trustee

14 DATED: November 22, 2017.

15 HONG & HONG

16 /s/ Joseph Y. Hong
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21 Defendant/Counterclaimant, REO
22 Investment Advisors V, LLC

DATED: November 22, 2017.

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Defendant Eldorado Neighborhood
Homeowners' Association

ORDER

IT IS SO ORDERED.

DATED this __ November 27 __ 2017.



U.S. MAGISTRATE JUDGE