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11 *Attorneys for Plaintiff/Counter-Defendant, PROF-2013-S3 Legal Title Trust IV, by U.S. Bank*  
 12 *National Association, as Legal Title Trustee*

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

**STIPULATION AND ORDER TO  
 EXTEND DISCOVERY DEADLINES**

**[THIRD 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

1 Investment Advisors V, LLC (hereinafter "REO"), and Defendant, El Dorado Neighborhood  
2 Second Homeowners Association ("HOA") (collectively, the "Parties"), by and through their  
3 respective counsels of record, hereby submit the following Stipulation and Order to extend the  
4 discovery deadlines for thirty (30) days.

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

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

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

14 PROF and REO are working to reschedule the deposition of REO's corporate designee after  
15 the designee's depositions previously scheduled for October 23, 2017, November 21, 2017, and  
16 January 18, 2018, did not go forward. PROF also expects to disclose additional documents pursuant  
17 to the stipulated protective order granted on November 21, 2017.

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

19 Regarding the requested extension of discovery, good cause exists to extend the  
20 discovery deadline 30 days. Good cause to extend the discovery cutoff exists "if it cannot  
21 reasonably be met despite the diligence of the party seeking the extension." *See Johnson v.*  
22 *Mammoth Recreations, Inc.*, 975 F.2d 604, 608-09 (9th Cir. 1992). Here, PROF noticed the  
23 deposition of REO within the discovery period, however, REO's corporate designee, at the last  
24 minute on three occasions, notified PROF's counsel they would not be able to attend the  
25 scheduled deposition. Further, PROF expects to disclose additional documents prior to the end  
26 of the discovery period. PROF's failure to seek an extension sooner is also the result of  
27 excusable neglect as PROF timely noticed the deposition of REO but REO did not appear at two  
28 scheduled depositions, requiring rescheduling.

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**D. PROPOSED DISCOVERY EXTENSION:**

**1. The current discovery deadlines**

- Deadline to complete discovery: **January 29, 2018**
- Motion to amend pleadings or add parties: August 1, 2017
- Initial Expert Disclosures: August 31, 2017
- Rebuttal Expert Disclosures: September 29, 2017
- Dispositive Motion Deadline: February 28, 2018

**2. Proposed extended discovery deadlines:**

- Deadline to complete discovery: **February 28, 2017**
- Motion to amend pleadings or add parties: August 1, 2017 (unchanged)
- Initial Expert Disclosures: August 31, 2017 (unchanged)
- Rebuttal Expert Disclosures: September 29, 2017 (unchanged)
- Dispositive Motion Deadline: **March 30, 2018**

This is the third stipulation for an extension of discovery. The extension is requested in good faith and is not for purposes of delay or prejudice to any other party.

IT IS SO STIPULATED.

1 DATED this 24<sup>th</sup> day of January, 2018.

DATED this 24<sup>th</sup> day of January, 2018.

2 WRIGHT, FINLAY & ZAK, LLP

LEACH JOHNSON SONG &  
GRUCHOW

3  
4 /s/ Krista J. Nielson

/s/ Ryan D. Hastings

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14 *Trustee*

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11 DATED this 24<sup>th</sup> day of January, 2018.

12 HONG & HONG

13 /s/ Joseph Y. Hong

14 Joseph Y. Hong, Esq.  
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19 *REO Investment Advisors V, LLC*

20 **IT IS SO ORDERED.**

21 DATED this \_ January 25, 2018

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26 UNITED STATES MAGISTRATE JUDGE  
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