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8  
 9 **UNITED STATES DISTRICT COURT**  
 10 **DISTRICT OF NEVADA**

11 U.S. BANK, NATIONAL ASSOCIATION, AS  
 SUCCESSOR TRUSTEE TO BANK OF  
 12 AMERICA, N.A., AS SUCCESSOR BY  
 MERGER TO LASALLE BANK, N.A., AS  
 13 TRUSTEE FOR THE CERTIFICATE  
 HOLDERS OF THE MERRILL LYNCH  
 MORTGAGE INVESTORS TRUST,  
 14 MORTGAGE LOAN ASSET-BACKED  
 CERTIFICATES, SERIES 2006-HE3,  
 15  
 16 Plaintiff,  
 17 vs.  
 18 4022 EMERALD WOOD TRUST, an unknown  
 entity; ALEXANDER PARK HOMEOWNERS'  
 19 ASSOCIATION, INC.; DOE INDIVIDUALS I  
 through X, inclusive; and ROE  
 CORPORATIONS XI through XX, inclusive,  
 20  
 21 Defendants.

Case No. 2:17-cv-00356-JCM-PAL

**STIPULATION AND ORDER TO  
 EXTEND DISCOVERY AND TO EXTEND  
 DISPOSITIVE MOTION DEADLINE  
 (SECOND REQUEST)**

22 The parties file this joint stipulation and request the court to extend the close of discovery  
 23 by thirty (30) days and to extend the dispositive motion deadlines and joint pretrial order deadlines  
 24 accordingly. This is the parties' second request for an extension of discovery deadlines.

25 **I. INTRODUCTION**

26 This dispute involves an HOA foreclosure sale conducted by Defendant Alexander Park  
 27 Homeowners' Association, Inc. ("Alexander Park"). Plaintiff U.S. Bank, National Association  
 28 ("U.S. Bank") seeks to quiet title as to the foreclosed property and seeks other related relief

1 pertaining to the sale of the property. The primary issue is whether U.S. Bank’s deed of trust  
2 survived the foreclosure sale.

3 **II. STATEMENT SPECIFYING THE DISCOVERY COMPLETED.**

4 On October 17, 2017, the court entered a revised Scheduling Order ECF No. 33 and set the  
5 following deadlines:

6	Discovery cut-off	February 5, 2018
7	Expert disclosures	December 5, 2017
8	Rebuttal expert disclosures	January 4, 2018
9	Dispositive Motions	March 5, 2018
	Pretrial order	April 3, 2018

10 The following discovery has already been completed:

- 11 1. U.S. Bank served its initial disclosures on Defendant 4022 EMERALD WOOD TRUST  
12 (“Trust”) on April 21, 2017,
- 13 2. Defendant Trust served its initial disclosures on U.S. Bank on April 20, 2017,
- 14 3. U.S. Bank propounded written discovery to Trust on May 9, 2017.
- 15 4. Defendant Trust served its First Supplement to its initial disclosures on June 26, 2017.
- 16 5. Defendant Trust responded to U.S. Bank’s discovery requests on June 28, 2017.
- 17 6. U.S. Bank served its Initial Expert Disclosure on July 27, 2017.
- 18 7. Defendant Trust served its Rebuttal Expert Disclosure on August 28, 2017.
- 19 8. U.S. Bank has subpoenaed records from and the deposition of Alessi & Koenig, LLC’s  
20 (“Alessi”) 30(b)(6) witness on September 20, 2017 with the deposition scheduled for  
21 October 3, 2017.
- 22 9. U.S. Bank vacated the deposition of Alexander Park on September 29, 2017.
- 23 10. U.S. Bank vacated the deposition of Alessi & Koenig, LLC on October 3, 2017.
- 24 11. U.S. Bank propounded written discovery to Alexander Park on November 7, 2017.
- 25 12. Alexander Park responded to U.S. Bank’s written discovery requests on January 3, 2018.
- 26 13. Alexander Park propounded written discovery to U.S. Bank on January 3, 2018.
- 27 14. Alexander Park provided initial disclosures on January 3, 2018.
- 28 15. U.S. Bank scheduled the deposition of Alessi & Koenig, LLC’s 30(b)(6) witness for



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1 January 15, 2018.

2 16. U.S. Bank vacated the deposition of Alessi & Koenig, LLC on January 5, 2018.

3 17. On January 30, 2018, U.S. Bank took the deposition of Alexander Park’s 30(b)(6) witness.

4 18. Alexander Park scheduled the deposition of U.S. Bank’s 30(b)(6) witness for February 5,  
5 2018.

6 **III. SPECIFIC DESCRIPTION OF THE DISCOVERY THAT HAS NOT BEEN**  
7 **COMPLETED.**

8 The following discovery has not been completed:

- 9 1. Alexander Park has not taken the deposition of U.S. Bank’s 30(b)(6) witness due to a  
10 scheduling conflict with U.S. Bank’s witness.

11 **IV. REASON WHY EXTENSION IS REQUIRED.**

12 Discovery closes on February 5, 2018. Alexander Park was scheduled to take the deposition  
13 of U.S. Bank’s 30(b)(6) witness on February 5, 2018. Unfortunately, due to a scheduling conflict  
14 of U.S. Bank’s witness, who is coming from Texas, the witness is no longer able to make it to Las  
15 Vegas for the February 5, 2018 deposition.

16 However, U.S. Bank’s witness will be able to travel to Las Vegas on February 23, 2018 at  
17 which time Alexander Park could take the deposition. Therefore, to accommodate U.S. Bank’s  
18 out-of-state witness’s schedule, the parties would like to extend the discovery cut-off by 30 days  
19 in order to allow for this deposition.

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V. **PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY.**

The parties agree that discovery will be extended thirty (30) days, and the scheduling order deadlines will be extended to the following:

Discovery cut-off	March 7, 2018
Dispositive Motions	April 6, 2018
Pretrial order	May 6, 2018

DATED this 5<sup>th</sup> day of February 2018.

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**IT IS SO ORDERED.**

UNITED STATES MAGISTRATE JUDGE

DATED: February 7, 2018