

BALLARD SPAHR LLP
1980 FESTIVAL PLAZA DRIVE, SUITE 900
LAS VEGAS, NEVADA 89135
(702) 471-7000 FAX (702) 471-7070

1 Abran E. Vigil
Nevada Bar No. 7548
2 BALLARD SPAHR LLP
1980 Festival Plaza Drive, Suite 900
3 Las Vegas, Nevada 89135
Telephone: (702) 471-7000
4 Facsimile: (702) 471-7070
vigila@ballardspahr.com

5
6 Matthew D. Lamb
Nevada Bar No. 12991
BALLARD SPAHR LLP
7 1909 K Street NW, 12th Floor
Washington, D.C. 20006
8 Telephone: (202) 661-2200
Facsimile: (202) 661-2299
9 lambm@ballardspahr.com

10 *Attorneys for Capital One, National*
11 *Association; Rocktop Partners, LLC;*
12 *and Wilmington Savings Fund*
Society, FSB, as Trustee of Stanwich
Mortgage Loan Trust A

13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA

15 CAPITAL ONE, NATIONAL
ASSOCIATION, et al.,

16 Plaintiffs,

17 vs.

18 SFR INVESTMENTS POOL 1, LLC, et
19 al.,

20 Defendants.

21 UNITED STATES OF AMERICA,

22 Plaintiff,

23 vs.

24 LEON BENZER, et al.,

25 Defendants.

26
27 CAPITAL ONE, NATIONAL
ASSOCIATION, et al.,
28

Case No. 2:17-cv-00604-RFB-NJK

Case No. 2:17-cv-00916-RFB-NJK

**STIPULATION TO EXTEND
DISPOSITIVE MOTION DEADLINE**

**[THIRD REQUEST UNDER
CURRENT SCHEDULING ORDER]**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Counter-Claimants/Cross-
Claimants,

vs.

UNITED STATES OF AMERICA, et al.,

Counter-Defendants/Cross-
Defendants

Capital One, National Association (“Capital One”); Rocktop Partners, LLC (“Rocktop”); Wilmington Savings Fund Society, FSB, as Trustee of Stanwich Mortgage Loan Trust A (“Wilmington”); SFR Investments Pool 1, LLC (“SFR”); the United States; and Anthem Country Club Community Association (“Anthem”) (collectively, the “Parties”) hereby stipulate to extend the dispositive motion deadline in this matter to April 30, 2020. In support of this stipulation, the Parties state as follows:

1. From March 2018 to May 2019, these consolidated cases were stayed while the Court awaited certain case law developments and while the Parties conducted a settlement conference. ECF Nos. 87-88, 91, 109-110, 127, & 136-138. Ultimately, settlement negotiations were unsuccessful.

2. On May 24, 2019, the Court entered a new scheduling order that set a discovery cutoff of August 22, 2019, a dispositive motion deadline of September 23, 2019, and a pretrial order deadline of October 23, 2019. ECF No. 144.

3. On August 19, 2019, Capital One, SFR, Anthem, and the United States filed a Stipulation to Extend Discovery Cutoff, Dispositive Motion Deadline, and Pretrial Order Deadline. ECF No. 162. The stipulation was based upon several pending motions that would affect planned depositions. The Court partially granted the stipulation by extending the dispositive motion deadline to December 23, 2019 and extending the pretrial order deadline to January 22, 2020. ECF No. 169.

4. At the October 21, 2019 hearing, the Court ordered that Rocktop and Wilmington be joined as parties because Capital One had transferred its interest in the

1 2005 loan involved in this matter to Rocktop and had transferred its interest in the
2 2007 loan involved in this matter to Wilmington. ECF No. 214.

3 5. On November 25, 2019 a Rule 30(b)(6) deposition of Capital One was held.
4 During the deposition, a dispute arose as to whether the witness was prepared to testify
5 about certain topics in the deposition notices issued by SFR and the United States.

6 6. To allow the Parties time to hold a second deposition, the Parties
7 requested and obtained a further extension of the dispositive motion deadline to
8 February 28, 2020. ECF Nos. 230-231.

9 7. The second deposition was held on January 15, 2020. During and after
10 the deposition, a dispute arose as to various issues, including (1) whether the witness
11 was adequately prepared to testify about certain policies and procedures of Capital
12 One; (2) whether the witness was adequately prepared to testify about certain entries
13 in Capital One's servicing records, and whether there are additional servicing records
14 that should be produced; (3) whether the desired testimony was relevant and
15 proportional to the needs of the case; and (4) the degree to which the parties had
16 previously communicated or reached agreement on these issues.

17 8. The Parties are exploring potential resolutions of this dispute, including
18 a stipulation as to relevant facts, a stipulation as to the admissibility or inadmissibility
19 of relevant documents, and a third deposition.

20 9. If the Parties are unable to resolve the dispute, they expect that a motion
21 to compel and a cross-motion for protective order will be filed.

22 10. At this time, the Parties request that the Court extend the dispositive
23 motion deadline to April 30, 2020.¹

24 11. Good cause exists for the requested extension because it will allow the
25 Parties to finish attempting to resolve their dispute, to hold any further depositions,
26 and to litigate any necessary motions in the event they cannot resolve the dispute.

27 _____
28 ¹ Pursuant to LR 26-1(b)(5), if dispositive motions are filed, the joint pretrial order
deadline is suspended until 30 days after decision on the dispositive motions or further
court order.

1 Dated: February 14, 2020.

<p>2 BALLARD SPAHR LLP</p> <p>3</p> <p>4 By: <u>/s/ Matthew D. Lamb</u></p> <p>5 Abran E. Vigil</p> <p>6 Nevada Bar No. 7548</p> <p>7 1980 Festival Plaza Drive, Suite 900</p> <p>8 Las Vegas, Nevada 89135</p> <p>9 Matthew D. Lamb</p> <p>10 Nevada Bar No. 12991</p> <p>11 1909 K Street NW, 12th Floor</p> <p>12 Washington, D.C. 20006</p> <p>13 <i>Attorneys for Capital One, National</i></p> <p>14 <i>Association; Rocktop Partners, LLC;</i></p> <p>15 <i>and Wilmington Savings Fund</i></p> <p>16 <i>Society, FSB, as Trustee of Stanwich</i></p> <p>17 <i>Mortgage Loan Trust A</i></p>	<p>KIM GILBERT EBRON</p> <p>By: <u>/s/ Diana S. Ebron</u></p> <p>Diana S. Ebron</p> <p>Nevada Bar No. 10580</p> <p>Jacqueline Gilbert</p> <p>Nevada Bar No. 10593</p> <p>Karen L. Hanks</p> <p>Nevada Bar No. 9578</p> <p>7625 Dean Martin Drive, Ste. 110</p> <p>Las Vegas, Nevada 89139</p> <p><i>Attorneys for SFR Investments Pool</i></p> <p><i>1, LLC</i></p>
<p>LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.</p> <p>By: <u>/s/ Janeen V. Isaacson</u></p> <p>J. William Ebert</p> <p>Nevada Bar No. 2697</p> <p>Janeen V. Isaacson</p> <p>Nevada Bar No. 6429</p> <p>9900 Covington Cross Dr., Ste. 120</p> <p>Las Vegas, Nevada 89144</p> <p><i>Attorneys for Anthem Country Club</i></p> <p><i>Community Association</i></p>	<p>RICHARD E. ZUCKERMAN</p> <p>Principal Deputy Assistant Attorney General</p> <p>By: <u>/s/ E. Carmen Ramirez</u></p> <p>E. Carmen Ramirez</p> <p>Trial Attorney, Tax Division</p> <p>U.S. Department of Justice</p> <p>P.O. Box 683</p> <p>Washington, DC 20044</p> <p><i>Attorneys for United States</i></p>

20 IT IS SO ORDERED:

21 
22 _____
23 UNITED STATES MAGISTRATE JUDGE

24 DATED: February 18, 2020

CERTIFICATE OF SERVICE

I certify that on February 14, 2020, I electronically filed the foregoing **Stipulation to Extend Dispositive Motion Deadline**. The following parties will be served electronically:

Diana Cline Ebron
Jacqueline A. Gilbert
Karen L. Hanks
KIM GILBERT EBRON
7625 Dean Martin Drive, Suite 110
Las Vegas, NV 89139

Counsel for SFR Investments Pool 1, LLC

J. William Ebert
Janeen Isaacson
LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.
9900 Covington Cross Drive, Suite 120
Las Vegas, NV 89144

*Counsel for Anthem Country Club
Community Association*

E. Carmen Ramirez
Trial Attorney, Tax Division
U.S. Department of Justice
P.O. Box 683, Ben Franklin Station
Washington, D.C. 20044

Counsel for United States of America

/s/ L. Blaschko
An Employee of Ballard Spahr LLP