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11
12 IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEVADA

13 CAPITAL ONE, NATIONAL)
ASSOCIATION, a national banking)
14 association,)

15 Plaintiff,)

16 v.)

17 SFR INVESTMENTS POOL 1, LLC, a)
Nevada limited liability company; and)
18 ANTHEM COUNTRY CLUB COMMUNITY,)
ASSOCIATION, a Nevada nonprofit)
19 corporation,)

20 Defendants.)

21 _____)
SFR INVESTMENTS POOL 1, LLC, a)
22 Nevada limited liability company,)

23 Counterclaimant/Crossclaimant,)

24 v.)

) Case No. 2:17-cv-00604-RFB-BW
) *consolidated with*
) Case No. 2:17-cv-00916-KJD-BW

) **MOTION FOR ENTRY OF**
) **PROPOSED UPDATED**
) **DISCOVERY PLAN AND**
) **SCHEDULING ORDER BY**
) **ANTHEM COUNTRY CLUB**
) **COMMUNITY ASSOCIATION,**
) **SFR INVESTMENTS POOL 1, LLC,**
) **AND THE UNITED STATES**
) **REGARDING DISCOVERY AND**
) **DISPOSITIVE MOTIONS**
) **DEADLINES**

1 CAPITAL ONE, NATIONAL)
ASSOCIATION, a national banking)
2 Association; LEON BENZER, an individual;)
UNITED STATES OF AMERICA)
3)
Cross-Defendants,)
4 Counter-Defendants.)
5)

6 UNITED STATES OF AMERICA,)
7 Plaintiff,)
8 v.)

9 LEON BENZER;)
SFR INVESTMENTS POOL 1, LLC;)
10 CAPITAL ONE, N.A.; ROCKTOP)
PARTNERS, LLC; WILMINGTON SAVINGS)
11 FUND SOCIETY, FSB, AS TRUSTEE OF)
STANWICH MORTGAGE LOAN TRUST A;)
12 ANTHEM COUNTRY CLUB)
COMMUNITY ASSOCIATION; and)
13 REPUBLIC SILVER STATE DISPOSAL INC.,)
14 Defendants.)
15)

16 CAPITAL ONE, NATIONAL ASSOCIATION)
a national banking association,)
17 Counter-Claimant/Cross-Claimant,)
18 v.)

19 UNITED STATES OF AMERICA;)
LEON BENZER, an individual;)
20 SFR INVESTMENTS POOL 1, LLC,)
a Nevada limited liability company; and)
21 ANTHEM COUNTRY CLUB)
ASSOCIATION, a Nevada corporation,)
22 Counter-Defendant/Cross-Defendants.)
23)

1 Pursuant to the Court’s direction, Anthem Country Club Community Association
2 (“Anthem”), SFR Investments Pool 1, LLC (“SFR”), and the United States hereby submit their
3 proposed updated discovery plan and scheduling order, attached hereto. (*See* ECF No. 337
4 (minutes of December 21, 2020)).

5 As the Court is aware, Anthem, SFR, and the United States had sought to exclude
6 documents that the two other actively litigating parties, Rocktop Partners, LLC (“Rocktop”) and
7 Wilmington Savings Fund Society, FSB, as Trustee of Stanwich Mortgage Loan Trust A
8 (“Wilmington”) had produced after discovery. In the alternative, Anthem, SFR, and the United
9 States (the “movants” in the Court’s directive at ECF No. 337), sought discovery relevant to the
10 new materials. The Court ultimately granted the request at a hearing on December 21, 2020.
11 Although the movants’ motion had included a proposed order, the Court directed the movants to
12 submit a proposed new discovery plan and scheduling order by December 30, 2020. (*See id.*)

13 Unfortunately, the movants missed the deadline for a combination of reasons, including
14 mis-reading and/or failing to properly calendar the December 30 date, and being out of the office
15 due to sickness. They realized the mistake on January 4, 2020, the first business day after the
16 holidays, and promptly communicated with each other, to confirm dates with Rocktop and
17 Wilmington and to draft and review the attached proposed order. The movants regret their error,
18 and respectfully ask the Court’s indulgence. They submit that the error is a result of excusable
19 neglect that was in large measure due to taking some time off during the holidays, and the fact
20 that the motion had itself contained a proposed order spelling out the relief requested, which the
21 Court granted near the beginning of the hearing on December 21, 2020. As the Court has
22 observed in response to comments from Rocktop and Wilmington, the movants have acted
23 diligently in bringing the underlying issues to the Court’s attention. (*See, e.g.*, ECF No. 328 at 5
24 (transcript of Dec. 7, 2020, hearing); *see also, generally*, ECF No. 327 at 12 (transcript of Dec. 3,
25 2020, hearing); *see also* ECF Nos. 289, 292, 303, 310 and 330 (notice and motions related to the

1 underlying discovery dispute and related scheduling issues)). The short delay of five business
2 days, one of which was New Year's Eve, when the District Court itself was closed, will cause no
3 material prejudice to Rocktop and Wilmington, and does not alter the proposed schedule itself.

4 WHEREFORE, Anthem, SFR, and the United States respectfully request entry of the
5 attached proposed discovery plan and scheduling order.

6
7 DATED January 7, 2021

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24 ORDER

25 **IT IS SO ORDERED**

DATED: 4:33 pm, January 11, 2021



**BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE**