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6 7	Attorney for Rocktop Partners, LLC; and Wilming Stanwich Mortgage Loan Trust A	ton Savings Fund Society, FSB, as Trustee of		
8	UNITED STATES DISTRICT COURT			
9	DISTRICT OF NEVADA			
10	ROCKTOP PARTNERS, LLC; and			
11	WILMINGTON SAVINGS FUND SOCIETY,	Case No. 2:17-cv-00604-RFB-NJK		
12	FSB, as Trustee of Stanwich Mortgage Loan Trust A,	Case No. 2:17-cv-00916-RFB-NJK		
13	Plaintiffs,			
14	Tiumerris,			
15	VS.	UNOPPOSED MOTION TO EXTEND DISCOVERY AND RELATED CASE		
16	SFR INVESTMENTS POOL 1, LLC, a	DEADLINES		
17	Nevada limited liability company; and ANTHEM COUNTRY CLUB COMMUNITY,			
18	ASSOCIATION, a Nevada nonprofit corporation,	[First Request Under Current Discovery Plan/Scheduling Order]		
19		Train beneduring Order		
20	Defendants.			
21	SFR INVESTMENTS POOL 1, LLC, a			
22	Nevada limited liability company,			
23	Counter/Cross-Claimant,			
24	VS.			
25				
26	ROCKTOP PARTNERS, LLC; WILMINGTON SAVINGS FUND SOCIETY,			
27	FSB, as Trustee of Stanwich Mortgage Loan			
28	Trust A; LEON BENZER, an individual; and UNITED STATES OF AMERICA,			

1	Counter/Cross-Defendants.
2	
3	UNITED STATES OF AMERICA,
4	Plaintiff,
5	
6	VS.
7	LEON BENZER; SFR INVESTMENTS POOL 1, LLC; ROCKTOP PARTNERS, LLC;
8	WILMINGTON SAVINGS FUND SOCIETY,
9	FSB, as Trustee of Stanwich Mortgage Loan Trust A; ANTHEM COUNTRY CLUB
10	COMMUNITY ASSOCIATION; and REPUBLIC SILVER STATE DISPOSAL
11	INC.,
12	Defendants.
13	
14	
15	ROCKTOP PARTNERS, LLC; and WILMINGTON SAVINGS FUND SOCIETY,
16	FSB, as Trustee of Stanwich Mortgage Loan Trust A,
17	Trust A,
18	Counter/Cross-Claimants,
19	VS.
20	UNITED STATES OF AMERICA; LEON
21	BENZER, an individual; SFR INVESTMENTS POOL 1, LLC, a Nevada limited liability
22	company; and ANTHEM COUNTRY CLUB
23	ASSOCIATION, a Nevada corporation,
24	Counter/Cross-Defendants.
25	
26	
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28	/././ /././

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# UNOPPOSED MOTION TO EXTEND DISCOVERY AND RELATED CASE <u>DEADLINES</u>

Plaintiffs Rocktop Partners, LLC ("Rocktop") and Wilmington Savings Fund Society, FSB, as Trustee of Stanwich Mortgage Loan Trust A ("Wilmington" and collectively "Plaintiffs"), by and through its counsel of record, the law firm of Wright, Finlay & Zak, LLP, and pursuant to LR 26-3, hereby submits their Unopposed Motion to Extend Discovery and Related Case Deadline. This is Plaintiffs' first request under the current discovery plan/scheduling order (ECF No. 372)<sup>1</sup>.

The undersigned counsel of record has conferred with all participating parties' counsel of record, all of whom do not oppose a 60-day extension to the discovery deadline. With the discovery deadline being extended, Plaintiffs further respectfully request that the dispositive motions deadline be extended 30 days following close of discovery and the joint pretrial order deadline be extended 30 days following the dispositive motions deadline or 30 days following the last decision on any dispositive motions.

#### I. Discovery Completed.

Extensive discovery has previously been completed in this case. Most recently on April 6, 2021, this Court entered an amended scheduling order setting the close of discovery for June 10, 2021. (ECF No. 372 at 7:3-5). This extension was given for a number of reasons including: (a) for Rocktop and Wilmington to respond to the United States and SFR's pending discovery requests and produce non-privileged documents response to motion to compel by April 20, 2021; and (b) for Rocktop and Wilmington to produce a privilege log by April 6, 2021 with any objections due 14 days thereafter. (Id. at 4-5). To the best of undersigned counsel's understanding, Plaintiffs' prior counsel of record complied and completed this discovery without objection.

### **II.** Description of Discovery to be Completed.

On April 27, 2021, the United States served another round of written discovery on both Rocktop and Wilmington, including 18 requests for admissions and two interrogatories. Additionally on May 7, 2021, the United States served a Rule 30(b)(6) Notice of Deposition of

Although undersigned counsel has not been involved with prior extension requests, it appears from the docket that there has been about eight or so requests or modifications to the discovery or dispositive motion deadlines including motions to stay.

both Rocktop and Wilmington that seeks testimony on over 200 documents, Plaintiffs' attempts to foreclose on the property at issue, the basis for the responses to the April 27 written discovery, and the maturity date of one of the loans at issue. This deposition is currently set for June 1, 2021. SFR also served a joinder to this notice of deposition on May 13, 2021.

#### III. Reasons Why Current Discovery Deadline Cannot be Satisfied.

Plaintiffs respectfully submit that good cause exists to extend the current discovery deadline in light of the newly propounded discovery from the United States and Plaintiffs recent change of counsel. Plaintiffs worked to substitute in their new counsel of record shortly after they complied with the remaining outstanding discovery under the current amended scheduling order (ECF No. 372). Indeed, Rocktop executed its Substitution of Counsel on April 29, 2021 (*see* ECF No. 377) and Wilmington executed its Substitution of Counsel on May 3, 2021 (*see* ECF No. 378). However, in the interim the United States served additional written discovery on both Rocktop and Wilmington and then set their Rule 30(b)(6) depositions after the substitutions had been filed.

Plaintiffs' new counsel is currently working on obtaining prior counsel's complete discovery file, including the 200 documents at issue in the pending discovery requests, in order to adequately respond to the new written discovery and notice of deposition. This has proved to be a time consuming and voluminous task given the lengthy and complex history of this case. Plaintiffs have also requested courtesy copies of the 200 documents from the United States, which is also in the process of complying with the courtesy request. Plaintiffs will need to thoroughly review these documents as well as prior discovery responses and disclosures before responding to the new discovery.

Further, Plaintiffs' new counsel is currently waiting on witness availability to appear for the deposition. The United States has indicated it is amenable to working out a more convenient date for the deposition and would like to receive the written discovery responses beforehand since some of the topics are predicated on the responses.

Of course, Plaintiffs' new counsel has consulted with all actively participating parties' counsel of record about a 60-day extension so that Plaintiffs have sufficient time to adequately

1	prepare appropriate responses to the new written discovery and notice of deposition. Such part		
2	have agreed to a 60-day extension.		
3	IV.	Proposed Schedule for Completing Remaining Discovery.	
4	Plaintiffs propose that all remaining discovery be completed on or before August 9, 202		
5	and that the dispositive motion deadline be extended 30 days thereafter to September 8, 2021 wi		
6	a joint pretrial order due October 7, 2021 or 30 days from the date of the last decision on an		
7	dispositive motions.		
8	DATED this 20th day of May, 2021.		
9			
10		WRIGHT, FINLAY & ZAK, LLP	
11		/s/ Jory C. Garabedian	
12		Darren T. Brenner, Esq.	
13		Nevada Bar No. 8386 Jory C. Garabedian, Esq.	
14		Nevada Bar No. 10352	
15		7785 W. Sahara Ave, Suite 200 Las Vegas, NV 89117	
16		Attorney for Rocktop Partners, LLC; and Wilmington Savings Fund Society, FSB, as Trustee	
17		of Stanwich Mortgage Loan Trust A	
18		<u>Order</u>	
19		IT IS SO ORDERED	
20		<b>DATED:</b> 2:49 pm, May 24, 2021	
21		Rivero	
22		PRENIDA WENCHER	
23		BRENDA WEKSLER UNITED STATES MAGISTRATE JUDGE	
24			
25			
26			
27			
28			