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14 *Counsel for Rocktop Partners, LLC; and*
15 *Wilmington Savings Fund Society, FSB, as*
Trustee of Stanwich Mortgage Loan Trust A

16 IN THE UNITED STATES DISTRICT COURT
17 FOR THE DISTRICT OF NEVADA

18 ROCKTOP PARTNERS, LLC; and)
WILMINGTON SAVINGS FUND SOCIETY,)
19 FSB, as Trustee of Stanwich Mortgage Loan)
Trust A,)

Case No. 2:17-cv-00604-RFB-BNW
consolidated with
Case No. 2:17-cv-00916-KJD-BNW

20 Plaintiffs,

21 v.

) **JOINT MOTION BY THE**
) **ACTIVELY LITIGATING PARTIES**
) **TO EXTEND COURT’S**
) **DEADLINES TO BRING**
) **DISCOVERY MOTIONS TO**
) **FACILITATE EFFORTS TO**

22 SFR INVESTMENTS POOL 1, LLC, a)
23 Nevada limited liability company; and)
ANTHEM COUNTRY CLUB COMMUNITY,)
24 ASSOCIATION, a Nevada nonprofit)
corporation,)

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Defendants.

SFR INVESTMENTS POOL 1, LLC, a
Nevada limited liability company,

Counterclaimant/Crossclaimant,

v.

ROCKTOP PARTNERS, LLC;
WILMINGTON SAVINGS FUND SOCIETY,
FSB, as Trustee of Stanwich Mortgage Loan
Trust A; LEON BENZER, an individual; and
UNITED STATES OF AMERICA,

Cross-Defendants,
Counter-Defendants.

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEON BENZER; SFR INVESTMENTS POOL
1, LLC; ROCKTOP PARTNERS, LLC;
WILMINGTON SAVINGS FUND SOCIETY,
FSB, as Trustee of Stanwich Mortgage Loan
Trust A; ANTHEM COUNTRY CLUB
COMMUNITY ASSOCIATION; and
REPUBLIC SILVER STATE DISPOSAL INC.,

Defendants.

ROCKTOP PARTNERS, LLC; and
WILMINGTON SAVINGS FUND SOCIETY,
FSB, as Trustee of Stanwich Mortgage Loan
Trust A,

Cross-Claimants,
Counter-Claimants,

v.

) **COMPROMISE**
) **AND [PROPOSED] ORDER**
)
) **(SECOND REQUEST UNDER**
) **CURRENT SCHEDULING ORDER)**

1 UNITED STATES OF AMERICA; LEON)
2 BENZER, an individual; SFR INVESTMENTS)
3 POOL 1, LLC, a Nevada limited liability)
4 company; and ANTHEM COUNTRY CLUB)
5 ASSOCIATION, a Nevada corporation,)
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7 Cross-Defendants,)
8 Counter-Defendants.)
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1 The Court has permitted discovery to be re-opened for a limited purpose and set an
2 expedited briefing schedule to resolve any discovery disputes. The parties are attempting to
3 resolve potential disputes without motions practice, and are also exploring possible settlement.
4 In the interest of avoiding unnecessary discovery motions and to allow the parties to focus on a
5 possible settlement, Anthem Country Club Community Association (“Anthem”), SFR
6 Investments Pool 1, LLC (“SFR”), Rocktop Partners LLC (“Rocktop”) and Wilmington Savings
7 Fund Society, FSB, as Trustee of Stanwich Mortgage Loan Trust A (“Wilmington”)¹ and the
8 United States thus jointly move the Court for an order extending discovery deadlines, including
9 the deadlines for bringing discovery motions and dispositive motions, by 30 days.

10 MEMORANDUM OF POINTS AND AUTHORITIES

11 On December 20, 2020, the Court ordered that discovery be re-opened, in light of new
12 issues that arose after most discovery had closed. (ECF No. 342 at 19.) The Court also indicated
13 that discovery disputes should be resolved promptly, and directed that:

14 [i]f there are any objections to any requests, parties are to meet and confer within
15 seven days of learning of such objection. If there is no resolution reached at the
16 meet and confer, the party moving for Court involvement must file a motion within
three days of the meet and confer. The responding party will have two days to
respond. No reply will be allowed.

17 (*Id.*) Discovery is currently set to close August 9, 2021. (ECF No. 383.)

18 On April 27, 2021, the United States issued written requests for discovery to Rocktop and
19 Wilmington based on a new production of documents by Rocktop and Wilmington. After the
20 United States sent the requests, Rocktop and Wilmington hired new counsel. (*See* ECF Nos. 377
21 and 378 (orders granting motions to substitute attorneys).) Rocktop and Wilmington are now
22 represented by the counsel listed above. The United States agreed to allow Rocktop and
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25 ¹ None of the other named parties are actively litigating.

1 Wilmington additional time to respond, beyond the 30 days generally permitted in the Federal
2 Rules of Civil Procedure, so as to allow the new counsel time to become more familiar with the
3 case. The United States had also noticed a Rule 30(b)(6) deposition. The parties agreed to
4 postpone the deposition until Rocktop and Wilmington provided discovery responses, so that the
5 new counsel would have time to prepare a witness, and to see if the topics could be streamlined
6 based on the discovery responses. Rocktop and Wilmington served its responses to the written
7 discovery requests on June 17, 2021. While they answered many of the requests in full or in
8 part, they objected to certain portions of the requests.

9 The United States and Rocktop and Wilmington promptly scheduled a meet and confer to
10 discuss the objections. They spoke by telephone on June 22, 2021, which, due to the recently
11 announced federal holiday on June 18, 2021, was only two business days after the responses
12 were served. SFR was also present during the call. Counsel for Anthem was not present on this
13 occasion, but Anthem has otherwise been participating in the litigation. The United States had
14 sent Rocktop and Wilmington a number of questions before the call.

15 The parties spent significant time during the call discussing prior settlement discussions
16 with Rocktop and Wilmington's new counsel, who had not been involved in the earlier talks, and
17 discussing a new possible settlement. The parties had a number of questions and issues
18 regarding a settlement to discuss with their clients. They agreed that it made sense to table
19 discovery discussions temporarily, so as to focus on settlement, and to give Rocktop and
20 Wilmington more time to consider and respond to the United States' specific questions.

21 The parties therefore request an extension of discovery deadlines for 30 days from the
22 date of the Court's order. They request 30 days, rather than a shorter period, to allow them to
23 more fully explore settlement, in light of the upcoming July 4 holiday and potential vacation
24 schedules. The request is not to create undue delay, but to allow the parties to streamline the
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1 potential discovery disputes, to narrow the scope of a previously-noticed deposition, and to
2 explore settlement of their title disputes more globally during a booming real estate market.

3 WHEREFORE, the undersigned respectfully request that the Court extend discovery
4 deadlines, including the deadlines for bringing motions concerning the pending objections to the
5 United States' written discovery requests, as well as the dispositive motion deadline, by 30 days.

6 DATED June 23, 2021

Respectfully submitted,

7 LIPSON, NEILSON, COLE, SELTZER & GARIN,
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24 as Trustee of Stanwich Mortgage Loan
Trust A*

IT IS SO ORDERED

DATED: 11:05 am, June 29, 2021



**BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE**