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10 *Attorneys for Capital One, National*
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12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 CAPITAL ONE, NATIONAL
ASSOCIATION,

15 Plaintiff,

16 vs.

17 SFR INVESTMENTS POOL 1, LLC and
18 ANTHEM COUNTRY CLUB
COMMUNITY ASSOCIATION,

19 Defendants.

20
21 SFR INVESTMENTS POOL 1, LLC,

22 Counter-Claimant,

23 vs.

24 CAPITAL ONE, NATIONAL
ASSOCIATION; LEON BENZER; and
25 UNITED STATES OF AMERICA;

26 Counter-Defendants.
27
28

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

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

**JOINT MOTION TO EXTEND CASE
DEADLINES AND PROPOSED
ORDER**

[FIRST REQUEST]

1 UNITED STATES OF AMERICA,

2 Plaintiff,

3 vs.

4 LEON BENZER; SFR INVESTMENTS
5 POOL 1, LLC; and CAPITAL ONE, N.A.,

6 Defendants.

7 CAPITAL ONE, NATIONAL
8 ASSOCIATION,

9 Counter-Claimant/Cross-Claimant,

10 vs.

11 UNITED STATES OF AMERICA; LEON
12 BENZER; SFR INVESTMENTS POOL 1,
13 LLC; and ANTHEM COUNTRY CLUB
14 COMMUNITY ASSOCIATION;

15 Counter-Defendants/Cross-
16 Defendants.

17 Capital One, National Association (“Capital One”); SFR Investments Pool 1,
18 LLC (“SFR”); Anthem Country Club Community Association (“Anthem”); and the
19 United States (collectively with Capital One, SFR, and Anthem, the “Moving Parties”)
20 jointly move to extend the deadlines contained in the Court’s scheduling order (ECF
21 No. 39). In support of this request, the Moving Parties state as follows:

22 1. On August 14, 2017, the Court entered a Discovery Plan and Scheduling
23 Order (ECF No. 39) with the following deadlines:

24 Rebuttal Expert Disclosure Deadline: January 22, 2018

25 Discovery Cutoff Date: February 5, 2018

26 Initial Dispositive Motion Deadline: March 7, 2018

27 Joint Pretrial Order Deadline: April 6, 2018¹

28 ¹ Pursuant to LR 26-1(b)(5), if the parties file dispositive motions the joint pretrial order will be due within 30 days after the last decision on any dispositive motions.

1 2. On November 7, 2017, the Court consolidated United States v. Benzer,
2 No. 2:17-cv-00916 KJD-CWH, with this action. Prior to consolidation, the United
3 States filed a motion for leave to amend the Benzer complaint to add additional
4 potential claimants on the real property as parties, and to make minor additional
5 changes to correct drafting ambiguities. The Court granted the motion to amend on
6 January 16, 2018 (ECF No. 65) and the United States filed its amended complaint on
7 January 18, 2018 (ECF No. 67). The United States is in the process of serving the
8 three new parties.

9 3. To date the parties have been actively participating in discovery. The
10 United States has served written discovery requests on Capital One, SFR, and
11 Anthem. Capital One has served written discovery requests on the United States,
12 SFR, and Anthem. SFR has served written discovery requests on Capital One and
13 the United States. Anthem has served written discovery requests on Capital One.
14 SFR has noticed Fed. R. Civ. P. 30(b)(6) depositions of the United States and Capital
15 One. In addition, Capital One and SFR have each retained initial expert witnesses.

16 4. An extension of the existing deadlines is needed to allow the parties to
17 respond to written discovery, to retain rebuttal expert witnesses, and to find
18 mutually agreeable dates for depositions. The extension will also permit the newly
19 added parties to respond to the United States' amended complaint and to participate
20 in discovery.

21 5. Good cause exists to grant the requested extension given the parties'
22 diligence in conducting discovery thus far, the complexity of the issues involved, the
23 need to conduct discovery for each of the two consolidated cases, the newly added
24 parties, the holidays of December 2017 and January 2018, and the recent government
25 shutdown affecting counsel for the United States.

26 6. Accordingly, the parties request that the scheduling order be amended
27 as follows:

28 Rebuttal Expert Disclosure Deadline: February 28, 2018

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Discovery Cutoff Date: April 27, 2018

Initial Dispositive Motion Deadline: May 28, 2018. On or before this date, the parties shall file any dispositive motions addressing: (1) the validity of the HOA foreclosure sale, including whether SFR is the current title owner of the property; (2) whether Capital One's two deeds against the property are valid; (3) whether the United States holds valid tax assessments against Mr. Benzer, and in what amount; and (4) whether the United States holds valid tax liens against the Property. Dispositive motions addressing any other issues may not be filed until after the motions described in this paragraph are decided.

Subsequent Dispositive Motions: Once the Court has ruled on any initial dispositive motion(s), the parties will promptly confer and propose a schedule for any further dispositive motion(s), with the expectation that the deadline for further motion(s) will be no earlier than 30 days after the Court's ruling on the initial motion(s).

Joint Pretrial Order Deadline: June 27, 2018.²

[Signature page follows]

² Pursuant to LR 26-1(b)(5), if the parties file dispositive motions the joint pretrial order will be due within 30 days after the last decision on any dispositive motions.

1 Dated: January 22, 2018.

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ATTORNEYS FOR UNITED STATES

19 IT IS SO ORDERED.



20
21 UNITED STATES MAGISTRATE JUDGE

22 January 25, 2018

23 DATED: _____

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1 **CERTIFICATE OF SERVICE**

2 I certify that January 22, 2018, I electronically filed the foregoing **Joint Motion**
3 **to Extend Case Deadlines and Proposed Order.** The following parties will be served
4 electronically:

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26 *Counsel for United States of*
27 *America*

28 I further certify that on January 22, 2018, I served a copy of the foregoing
document to the following parties via U.S. Mail:

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Pro Se

/s/ Sarah H. Walton
An employee of Ballard Spahr LLP