

1 ARIEL E. STERN, ESQ.
 Nevada Bar No. 8276
 2 NATALIE L. WINSLOW, ESQ.
 Nevada Bar No. 12125
 3 SCOTT R. LACHMAN, ESQ.
 Nevada Bar No. 12016
 4 AKERMAN LLP
 1635 Village Center Circle, Suite 200
 5 Las Vegas, NV 89134
 6 Telephone: (702) 634-5000
 Facsimile: (702) 380-8572
 7 Email: ariel.stern@akerman.com
 Email: natalie.winslow@akerman.com
 8 Email: scott.lachman@akerman.com

9 *Attorneys for U.S. Bank National Association, as*
Trustee, in Trust for the Benefit of the Holders
 10 *of Bayview Opportunity Master Fund IVA*
REMIC Trust 2016-17NPL3 Beneficial Interest
 11 *Certificates, Series 2016-17NPL3*

AKERMAN LLP

1635 VILLAGE CENTER CIRCLE, SUITE 200
 LAS VEGAS, NEVADA 89134
 TEL.: (702) 634-5000 – FAX: (702) 380-8572

12
 13 **UNITED STATES DISTRICT COURT**
 14 **DISTRICT OF NEVADA**

16 U.S. BANK NATIONAL ASSOCIATION, AS
 TRUSTEE, IN TRUST FOR THE BENEFIT OF
 17 THE HOLDERS OF BAYVIEW
 OPPORTUNITY MASTER FUND IVA REMIC
 18 TRUST 2016-17NPL3 BENEFICIAL
 INTEREST CERTIFICATES, SERIES 2016-
 19 17NPL3,

Case No.: 2:17-cv-01354-APG-EJY

20
 21 **STIPULATION AND ORDER TO EXTEND**
POST-REMAND DISCOVERY
 22 **(FIRST REQUEST)**

Plaintiff,

vs.

23 ZILIAN OU; SFR INVESTMENTS POOL 1,
 LLC; ARLINGTON WEST TWILIGHT
 24 HOMEOWNERS ASSOCIATION; DOE
 INDIVIDUALS I-X, inclusive, and ROE
 25 CORPORATIONS I-X, inclusive,

Defendants.

27
28

1 Plaintiff U.S. Bank National Association, as Trustee, in Trust for the Benefit of the Holders
2 of Bayview Opportunity Master Fund IVA REMIC Trust 2016-17NPL3 Beneficial Interest
3 Certificates, Series 2016-17NPL3 and defendant SFR Investments Pool 1, LLC file this stipulation
4 to request the court to extend the close of discovery by sixty days. This is the parties' first request
5 for an extension of the current discovery deadlines.

6 **I. INTRODUCTION.**

7 This case was remanded from the Ninth Circuit Court of Appeals on June 22, 2022. The
8 parties are conducting additional discovery on the remaining issue. ECF No. 117. The preliminary
9 injunction appeal is scheduled for oral argument before the Ninth Circuit on May 12, 2023, and a
10 decision is expected this summer. The parties are cooperating with one another and need additional
11 time to disclose documents, take additional depositions, and respond to written discovery.

12 **II. STATEMENT SPECIFYING THE DISCOVERY COMPLETED.**

13 On December 15, 2022, the court re-opened discovery for ninety days with a discovery cut-
14 off of March 15, 2023. ECF No. 117.

15 The following discovery has been completed:

- 16 1. U.S. Bank served SFR with post-remand requests for admission, post-remand
17 requests for production of documents and post-remand interrogatories on January 13, 2023.
- 18 2. SFR served its answers to U.S. Bank's post-remand request for admissions on March
19 1, 2023. BANA provided an extension for SFR to respond to the remaining written discovery.
- 20 3. The deposition of U.S. Bank occurred on March 8, 2023.
- 21 4. U.S. Bank served post-remand disclosures on March 7, 2023.
- 22 5. U.S. Bank served first supplemental post-remand disclosures on March 9, 2023.
- 23 6. Both U.S. Bank and SFR have diligently reviewed prior HOA foreclosure lawsuits,
24 which is a substantial task given the number of such suits.

25 **III. SPECIFIC DESCRIPTION OF THE DISCOVERY THAT HAS NOT BEEN COMPLETED.**

- 26 1. SFR's responses to U.S. Bank's post-remand requests for production of documents
27 and post-remand interrogatories.
- 28 2. Depositions of SFR and Bank of America, N.A.

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

- 3. Discovery following the deposition of U.S. Bank.
- 4. The parties reserve the right to conduct additional discovery.

IV. REASON WHY EXTENSION IS REQUIRED / GOOD CAUSE.

SFR served a deposition subpoena on Bank of America. Bank of America recently retained Akerman LLP as counsel. Akerman is working cooperatively with SFR to reschedule the deposition in mid to late April (previously scheduled on March 7, 2023). SFR requires the deposition to support its position that U.S. Bank's lawsuit was untimely.

U.S. Bank served a deposition notice of SFR. U.S. Bank and SFR agreed to reschedule the deposition on or about the same day as the Bank of America deposition (previously scheduled on March 7, 2023). U.S. Bank requires the deposition of SFR to support its position that the lawsuit was timely.

SFR needs additional time to review prior HOA quiet title lawsuits for production. U.S. Bank produced prior quiet title lawsuits, but intends to perform additional searches to ascertain whether additional suits should be identified. This process has been very time consuming, on top of the litany of quiet title lawsuits undersigned counsel are litigating (some with each other). SFR also needs additional time to respond to written discovery.

U.S. Bank and SFR also request additional time to conduct discovery following the deposition of U.S. Bank on March 8, 2023.

U.S. Bank and SFR have been busy filing appellate briefs and other papers in the Ninth Circuit in the preliminary injunction appeal and are currently preparing for oral argument on May 12, 2023.

The parties are requesting a sixty-day extension for these reasons. Pursuant to LR 26-3, these reasons constitute good cause.

. . .
. . .
. . .
. . .
. . .

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

V. **PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY.**

Discovery deadline: **May 15, 2023.**

DATED this 10th day of March, 2023.

AKERMAN LLP	HANKS LAW GROUP
<p><i>/s/ Scott R. Lachman</i></p> <p>ARIEL STERN, ESQ. Nevada Bar No. 8276</p> <p>NATALIE L. WINSLOW, ESQ. Nevada Bar No. 12125</p> <p>SCOTT R. LACHMAN, ESQ. Nevada Bar No. 12016</p> <p>1635 Village Center Circle, Suite 200 Las Vegas, NV 89134</p> <p><i>Attorneys for U.S. Bank National Association, as Trustee, in Trust for the Benefit of the Holders of Bayview Opportunity Master Fund IVA REMIC Trust 2016-17NPL3 Beneficial Interest Certificates, Series 2016-17NPL3</i></p>	<p><i>/s/ Karen L. Hanks</i></p> <p>KAREN L. HANKS, ESQ. Nevada Bar No. 9578</p> <p>CHANTEL M. SCHIMMING, ESQ. Nevada Bar No. 8886</p> <p>7625 Dean Martin Drive, Suite 110 Las Vegas, NV 89139</p> <p><i>Attorneys for SFR Investments Pool 1, LLC</i></p>

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

DATED: March 10, 2023