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11 **UNITED STATES DISTRICT COURT**
 12 **DISTRICT OF NEVADA**

13 THE BANK OF NEW YORK MELLON
 14 FKA
 15 THE BANK OF NEW YORK AS TRUSTEE
 16 FOR THE BENEFIT OF THE
 17 CERTIFICATE HOLDERS OF THE
 18 CWLAT, INC.,
 19 ALTERNATIVE LOAN TRUST 2004-j09,
 20 MORTGAGE PASS THROUGH
 21 CERTIFICATES, SERIES 2004-J09,

Case No.: 2:17-cv-01466-JCM-NJK

**MOTION TO EXTEND THE DEADLINE TO
 SERVE CONFIDENTIAL SETTLEMENT
 STATEMENT**

Plaintiff,

v.

17 PAINTED DESERT COMMUNITY
 18 ASSOCIATION; RON HAUS; EVA
 19 BEROU; and NEVADA ASSOCIATION
 20 SERVIES,

Defendants.

21
 22 Defendants Ron Haus and Eva Berou (“Defendants”) by and through their attorneys of
 23 record, the law firm of AYON LAW, PLLC, hereby files this motion to extend the deadline to serve
 24 its Settlement Conference Statement to Magistrate Nancy J. Koppe. This is the first request for an
 25 extension of this deadline.

26 ///
 27 ///
 28 ///

1 This motion is made pursuant to District Court of Nevada LR IA 6-1(a), based on the
2 following memorandum of points and authorities, the papers and pleadings on file herein and any
3 oral arguments the Court may entertain.

4 DATED this 17th day of October, 2018.

5
6 **AYON LAW, PLLC**

7 /s/ Luis A. Ayon

8 Luis A. Ayon, Esq.
9 Nevada Bar No. 9752
10 8716 Spanish Ridge Ave., Ste. 115
11 Las Vegas, Nevada 89148
12 *Attorneys for Defendants Eva Berou
and Ron Haus*

13 **MEMORANDUM OF POINTS AND AUTHORITIES**

14 **I. INTRODUCTION**

15 This case has been referred to set a settlement conference, [ECF No. 45]. The settlement
16 conference is set for October 24, 2018 at 9:30 a.m. before Magistrate Judge Nancy Koppe.

17 On August 28, 2018, the District Court filed an Order [ECF No. 46] to set the settlement
18 conference and ordered each party to submit a Confidential Settlement Statements for in camera
19 review, (*See*: ECF No. 46, page 2, lines 10-11 and 10-12), and each party to deliver its Confidential
20 Settlement Statement to chambers no later than 3:00 p.m. on October 17, 2018.

21 Counsel for Defendants office staff member contacted the District Court on October 17,
22 2018 to request a small extension and were instructed to file a request on the court docket.

23 Based on the foregoing, Defendants are requesting a short extension to serve the
24 Confidential Settlement Statement, pursuant to District Court of Nevada LR IA 6-1(a).

25 **II. LEGAL ARGUMENT**

26 **A. LEGAL STANDARD**

27 District Court of Nevada LR IA 6-1(a) states:

28 A motion or stipulation to extend time must state the reasons for the extension requested and must inform the court of all previous extensions of the subject deadline the court granted. (Examples: "This is the first stipulation for extension of

1 time to file motions.” “This is the third motion to extend time to take discovery.”)
2 A request made after the expiration of the specified period will not be granted
3 unless the movant or attorney demonstrates that the failure to file the motion before
4 the deadline expired was the result of excusable neglect. Immediately below the
5 title of the motion or stipulation there also must be a statement indicating whether
6 it is first, second, third, etc., requested extension...

7
8 *See* LR IA 6-1(a). Pursuant to District Court of Nevada LR IA 6-1(a), Ron Haus and Eva Berou are
9 requesting a short extension serve its Confidential Settlement Statement.

10 **B. EXCUSABLE NEGLIGENCE EXISTS TO ALLOW THE COURT TO GRANT AN EXTENSION**

11 Due to a complex schedule, Defendant’s counsel, is not able to serve the statement according to
12 the specifications in the Order [ECF No. 46] nor to timely submit the Confidential Settlement
13 Statement before the prescribed deadline and would fail to submit the Statement by the deadline,
14 October 17, 20018 by 3:00 p.m. which is a result of excusable neglect. Defendants are requesting an
15 additional (1) day to serve the Confidential Settlement Statement up and until noon 12 p.m. on October
16 18, 2018.

17 DATED this 17th day of October, 2018.

18 **AYON LAW, PLLC**

19 /s/ Luis A. Ayon
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23 Las Vegas, Nevada 89148
24 *Attorneys for Defendants Eva Berou and Ron Haus*

25 Good cause has not been shown for an extension, but
26 this motion will be GRANTED as a one-time courtesy
27 to Defendants and their counsel. IT IS SO
28 ORDERED.

29 .
30 .
31 
32 _____
33 Nancy J. Koppe
34 United States Magistrate Judge

35 October 18, 2018