

1 WRIGHT, FINLAY & ZAK, LLP
 Christopher A.J. Swift, Esq.
 2 Nevada Bar No. 11291
 Lindsay D. Robbins, Esq.
 3 Nevada Bar No. 13474
 4 7785 W. Sahara Ave., Suite 200
 Las Vegas, NV 89117
 5 Phone: (702) 475-7964; Fax: (702) 946-1345
 6 lrobbins@wrightlegal.net

7 *Attorneys for Plaintiff/Counterdefendant Deutsche Bank National Trust Company, as Trustee for*
 8 *GSAA Home Equity Trust 2006-17, Asset-Backed Series 2006-17*

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 DEUTSCHE BANK NATIONAL TRUST
 COMPANY, AS TRUSTEE FOR GSAA
 12 HOME EQUITY TRUST 2006-17, ASSET-
 13 BACKED CERTIFICATES SERIES 2006-17,

14 Plaintiff,

15 vs.

16 EDWARD KIELTY TRUST; an entity of
 17 unknown form; CANYON TRAILS
 18 HOMEOWNERS ASSOCIATION, a Nevada
 non-profit corporation; TERRA WEST
 19 COLLECTIONS GROUP, LLC d/b/a
 ASSESSMENT MANAGEMENT SERVICES;
 20 DOE INDIVIDUALS 1 through X; and ROE
 21 CORPORATIONS I through X, inclusive,

22 Defendants.

23 _____
 24 EDWARD KIELTY TRUST, a Nevada Trust,

25 Counterclaimant,

26 vs.

27 DEUTSCHE BANK NATIONAL TRUST
 28 COMPANY, AS TRUSTEE FOR GSAA

Case No.: 2:17-CV-01759-RFB-PAL

**STIPULATION AND ORDER TO
 EXTEND DISCOVERY FOR THE SOLE
 PURPOSE OF TAKING DEPOSITION OF
 TERRA WEST MANAGEMENT
 SERVICES**

(Second Request)

1 HOME EQUITY TRUST 2006-17, ASSET-
2 BACKED CERTIFICATES SERIES 2006-17,

3 Counterdefendant.

4 COMES NOW Plaintiff/Counterdefendant, DEUTSCHE BANK NATIONAL TRUST
5 COMPANY, AS TRUSTEE FOR GSAA HOME EQUITY TRUST 2006-17, ASSET-BACKED
6 CERTIFICATES SERIES 2006-17 (hereinafter “Deutsche Bank”), Defendant/Counterclaimant,
7 EDWARD KIELTY TRUST (hereinafter “EKT”), and Defendant, CANYON TRAILS
8 HOMEOWNERS ASSOCIATION (hereinafter “HOA”), by and through their undersigned and
9 respective counsel, and hereby stipulate and agree to a thirty (30) day extension to the discovery
10 deadline and dispositive motion deadline for the sole purpose of deposing the F.R.C.P. 30(b)(6)
11 Witness for the HOA’s Management Company, K.G.D.O. Holding Company, Inc. d/b/a Terra
12 West Management Services (hereinafter “Terra West”). This is the parties’ second request for
13 this extension and is not intended to cause any delay or prejudice to any party.

14 **I. DISCOVERY COMPLETED BY THE PARTIES**

- 15 1. Deutsche Bank’s Initial Disclosures pursuant to F.R.C.P. 26(a), served
16 09/21/2017;
- 17 2. Deutsche Bank’s First Set of Interrogatories to EKT, served 11/8/2017;
- 18 3. Deutsche Bank’s First Set of Requests for Production of Documents to EKT,
19 served 11/8/2017;
- 20 4. Deutsche Bank’s First Set of Requests for Admission to EKT, served 11/8/2017;
- 21 5. Deutsche Bank’s Initial Expert Disclosure, served 11/29/2017;
- 22 6. Deutsche Bank’s Subpoena Duces Tecum to Terra West Collections Group, LLC
23 d/b/a Assessment Management Services (hereinafter “AMS”), served 12/21/2017;
- 24 7. EKT’s Responses to Deutsche Bank’s First Set of Requests for Admission,
25 served 01/05/2018;
- 26 8. EKT’s Responses to Deutsche Bank’s First Set of Interrogatories, served
27 01/05/2018;
- 28 9. Deutsche Bank’s Notice of Deposition of EKT, served 01/05/2018;

- 1 10. The HOA's Initial Disclosures pursuant to F.R.C.P. 26(a), served 01/08/2018;
- 2 11. The HOA's First Set of Requests for Admission to Deutsche Bank, served
- 3 01/08/2018;
- 4 12. The HOA's First Set of Requests for Production of Documents to Deutsche
- 5 Bank, served 01/08/2018;
- 6 13. The HOA's First Set of Interrogatories to Deutsche Bank, served 01/08/2018;
- 7 14. The HOA's Rebuttal Expert Disclosure, served 01/08/2018;
- 8 15. AMS's Response to Deutsche Bank's Subpoena Duces Tecum, served
- 9 01/09/2018;
- 10 16. EKT's First Set of Interrogatories to Deutsche Bank, served 01/09/2018;
- 11 17. EKT's First Set of Requests for Production of Documents to Deutsche Bank,
- 12 served 01/09/2018;
- 13 18. EKT's First Set of Requests for Admission to Deutsche Bank, served
- 14 01/10/2018;
- 15 19. EKT's Initial Disclosures pursuant to F.R.C.P. 26(a), served 01/10/2018;
- 16 20. EKT's Responses to Deutsche Bank's Requests for Production of Documents,
- 17 served 01/10/2018;
- 18 21. Deutsche Bank's Notice of Deposition of HOA, served 01/11/2018;
- 19 22. Deutsche Bank's Notice of Deposition of AMS, served 01/11/2018;
- 20 23. Deutsche Bank's First Supplemental Disclosure pursuant to F.R.C.P. 26(a),
- 21 served 01/24/2018;
- 22 24. Deutsche Bank's Amended Notice of Deposition of AMS, served 01/24/2018;
- 23 25. The Deposition of the F.R.C.P. 30(b)(6) Witness for EKT, conducted
- 24 01/25/2018;
- 25 26. The Deposition of the F.R.C.P. 30(b)(6) Witness for Canyon Trials, 02/01/2018
- 26 [Non-Appearance Taken];
- 27 27. The Deposition of the F.R.C.P. 30(b)(6) Witness for AMS, conducted
- 28 02/02/2018;

1 28. Deutsche Bank's Second Supplemental Disclosure pursuant to F.R.C.P. 26(a),
2 served 02/08/2018;

3 29. Deutsche Bank's Responses to EKT's Interrogatories, served 02/09/2018;

4 30. Deutsche Bank's Responses to EKT's Requests for Production of Documents,
5 served 02/09/2018;

6 31. Deutsche Bank's Responses to EKT's Requests for Admission, served
7 02/09/2018;

8 32. HOA's Responses to Deutsche Bank's Interrogatories, served 02/20/2018;

9 33. HOA's Responses to Deutsche Bank's Requests for Admission, served
10 02/20/2018;

11 34. HOA's Responses to Deutsche Bank's Requests for Production of Documents,
12 served 02/21/2018;

13 35. HOA's First Supplemental Disclosure pursuant to F.R.C.P. 26(a), served
14 02/22/2018;

15 36. Deutsche Bank's Amended Notice of Deposition of HOA, served 02/22/2018;

16 37. Deutsche Bank's Responses to HOA's Requests for Admission, served
17 02/22/2018;

18 38. Deutsche Bank's Responses to HOA's Requests for Production of Documents,
19 served 02/22/2018;

20 39. Deutsche Bank's Responses to HOA's Requests for Admission, served
21 02/22/2018;

22 40. The Deposition of the F.R.C.P. 30(b)(6) Witness for Canyon Trials, 02/27/2018;
23 and

24 41. Deutsche Bank's Notice of Deposition and Deposition Subpoena of Terra West,
25 served 03/06/2018.

26 **II. DISCOVERY TO BE COMPLETED IN THE FUTURE**

27 1. The Deposition of the F.R.C.P. 30(b)(6) Witness for Terra West, currently
28 noticed for 03/22/2018.

1 **III. REASONS THAT DISCOVERY WAS NOT TIMELY COMPLETED**

2 The parties seek an extension for the limited purpose of conducting the deposition of the
3 F.R.C.P. 30(b)(6) witness for Terra West. It was not until the Deposition of the F.R.C.P.
4 30(b)(6) witness for the HOA on February 27, 2018, that it became apparent that the HOA's
5 Management Company, Terra West, would have more knowledge with respect to the underlying
6 Property, the collections process, and the subsequent HOA foreclosure sale. Based thereon, the
7 parties are unable to complete this deposition within the existing discovery cutoff date, which is
8 currently March 12, 2018.

9 **IV. REASONS WHY DISCOVERY SHOULD BE EXTENDED:**

10 Good cause exists to extend the discovery cutoff and dispositive motion deadline thirty
11 (30) days for the limited purpose of deposing Terra West.¹ Good cause to extend the discovery
12 cutoff exists "if it cannot reasonably be met despite the diligence of the party seeking the
13 extension." *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 608-09 (9th Cir. 1992).
14 Here, Deutsche Bank completed the Deposition of the F.R.C.P. 30(b)(6) witness for the HOA
15 within the discovery period; however, it was not until the Deposition of the F.R.C.P. 30(b)(6)
16 witness for the HOA, that it became apparent that the HOA's Management Company, Terra
17 West, would have more knowledge with respect to the facts and circumstances in this case.

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

19 The parties propose that all dates in the current Stipulated Discovery Plan and Scheduling
20 Order, ordered on February 9, 2018 [ECF No. 30], be amended as follows:

- 21 1. Discovery cut-off: currently March 12 2018, desired April 11, 2018.
22 2. Dispositive Motions: currently April 11, 2018, desired May 11, 2018.

23
24 ///

25
26 ///

27
28 _____
¹ The parties request a thirty (30) extension, as opposed to an extension until the date Terra West's Deposition is currently noticed for, 03/22/2018, in the event that there are scheduling conflicts with Terra West.

1 **VI. CERTIFICATE OF CONFERENCE**

2 Counsel for all appearing parties has conferred via email with respect to these issues. All
3 counsel have signed below, thereby indicating their approval of the instant Stipulation to Extend
4 Discovery and Dispositive Motion Deadline and do not request a conference before the Court
5 prior to entry of a new Scheduling Order. This is the parties' second request for an extension
6 and is not intended to cause any delay or prejudice to any party.

7 DATED this 7th day of March, 2018.

DATED this 7th day of March, 2018.

8 WRIGHT, FINLAY & ZAK, LLP

AYON LAW, PLLC

9
10 /s/ Lindsay D. Robbins, Esq.

/s/ Allison R. Schmidt, Esq. for

11 Lindsay D. Robbins, Esq.
12 Nevada Bar No. 13474
13 7785 W. Sahara Ave., Suite 200
14 Las Vegas, Nevada 89117
15 *Attorneys for Deutsche Bank National Trust
16 Company, as Trustee for GSAA Home Equity
17 Trust 2006-17, Asset-Backed Series 2006-17*

Luis A. Ayon, Esq.
Nevada Bar No.09752
9205 West Russell Road
Building 3, Suite 240
Las Vegas, Nevada 89148
Attorneys for Edward Kielty Trust

18 DATED this 7th day of March, 2018.

19 LIPSON, NEILSON, COLE, SELTZER &
20 GARIN, P.C.

/s/ David A. Markman, Esq.

21 David A. Markman, Esq.
22 Nevada Bar No. 12440
23 9900 Covington Cross Drive, Suite 120
24 Las Vegas, Nevada 89144
25 *Attorney for Canyon Trails Homeowners
26 Association*

27 **ORDER**

28 **IT IS SO ORDERED.**


UNITED STATES MAGISTRATE JUDGE

DATED this 8th day of March, 2018.