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8 **UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**

10 BANK OF AMERICA, N.A.

11 Plaintiff,

12 vs.

13 PEPPERTREE HOMEOWNERS
 14 ASSOCIATION and TOW PROPERTIES,
 15 LLC IV,

16 Defendants.

CASE NO.: 2:17-cv-01857-KJD-GWF-

**STIPULATION AND ORDER TO
 EXTEND DISCOVERY DEADLINES**

(SECOND REQUEST)

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17 Pursuant to LR IA 6-1 and LR 26-4, Defendant, Tow Properties, LLC IV (“TOW”),
 18 through its counsel of record, David S. Lee, Esq. and Elizabeth C. Spaur, Esq., Plaintiff, Bank of
 19 America, N.A. (“BANA”), through its counsel of record, Melanie D. Morgan, Esq. and Vatana
 20 Lay, Esq., and Peppertree Homeowners Association (“HOA”), through its counsel of record,
 21 Steve Loizzi, Esq., submit this Stipulation and Order to extend discovery by sixty (60) days.

22 This is the parties’ first request for an extension.

23 **A. INTRODUCTION**

24 This dispute arises out of BANA’s complaint, which asks the Court for a determination
 25 and declaration: (1) quiet title/declaratory relief of the subject property; (2) breach of NRS
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1 116.1113; (3) wrongful foreclosure; and (4) injunctive relief. Tow filed a Motion to Dismiss,
2 which is currently pending before the Court.

3 **B. STATEMENT SPECIFYING THE DISCOVERY COMPLETED**

4 On August 31, 2017, the Court entered a Scheduling Order that set the following
5 deadlines:

- 6 (a) Discovery Cut Off: January 17, 2018
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8 (b) Last day to file motions to amend pleadings or add parties: October 19, 2017
9
10 (c) Initial Expert Disclosures: November 17, 2017
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12 (d) Rebuttal Expert Disclosures: December 18, 2017
13
14 (e) Dispositive Motions: February 16, 2018

15 On November 20, 2017, the Court entered a Stipulation and Order to Extend the
16 Deadlines with respect to the disclosure of experts:

- 17 (a) Initial Expert Disclosures: November 28, 2017
18
19 (b) Rebuttal Expert Disclosures: December 29, 2017

20 The following discovery has been completed:

- 21 (1) BANA served its initial disclosures on January 2, 2018.
22
23 (2) HOA served its initial disclosures on October 3, 2017.
24
25 (3) BANA served its Subpoena Duces Tecum on Alessi & Koenig.
26
27 (4) BANA served its Interrogatories, Requests for Admission, and Requests for
28 Production of Documents upon Tow and HOA on December 20, 2017.
29
30 (5) BANA served its Notice of Deposition of Rule 30(b)(6) Witness for Tow on
31
32 December 20, 2017.
33
34 (6) BANA served its Notice of Deposition of Rule 30(b)(6) Witness for HOA on
35
36 December 20, 2017.

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C. SPECIFIC DESCRIPTION OF DISCOVERY THAT REMAINS TO BE COMPLETED

(a) Depositions. The parties anticipate taking the deposition of HOA, Alessi & Koenig, LLC and Tow.

D. REASONS WHY THE DISCOVERY REMAINING WILL NOT BE COMPLETED WITHIN THE TIMES FRAMES SET BY THE DISCOVERY ORDER

The parties have been engaging in settlement discussions as recently as November 30, 2017. In an effort to avoid expending resources, limited discovery was completed pending the results of those discussions. Once the discussions proved unsuccessful, BANA noticed the deposition of Rule 30(b)(6) witnesses for Tow and HOA on January 17, 2018, the date discovery is currently set to close in this matter. Unfortunately, Tow is unable to produce its witness prior to the close of discovery. Accordingly, the parties request a sixty (60) day continuance of the deadlines in this case in order to allow for the completion of depositions.

In addition, the parties note that the deadline for the written discovery served to date is January 16, 2018. The information produced within those responses may lead to additional discoverable documents or witnesses. Accordingly, a sixty (60) day continuance will also afford the parties an opportunity to complete any necessary additional discovery resulting from the review of the responses to written discovery served to date.

E. PROPOSED SCHEDULE FOR COMPLETING REMAINING DISCOVERY

- (a) Discovery Cut Off: March 19, 2018
- (b) Last day to file motions to amend pleadings or add parties: No extension requested
- (c) Initial Expert Disclosures: No extension requested
- (d) Rebuttal Expert Disclosures: No extension requested
- (e) Dispositive Motions: April 17, 2018

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