

1 SIDLEY AUSTIN LLP
 Elizabeth W. Walker
 California Bar No. 113545
 2 555 West Fifth Street, 40th Floor
 3 Los Angeles, CA 90013
 Telephone: (213) 896-6000
 4 Facsimile: (213) 896-6600
 ewalker@sidley.com
 5

GARMAN TURNER GORDON LLP
 William M. Noall
 Nevada Bar No. 3549
 650 White Drive, Suite 100
 Las Vegas, Nevada 89119
 Telephone: (725) 777-3000
 Facsimile: (725) 777-3112
 wnoall@gtg.legal

6 Attorneys for Credit Suisse AG, Cayman Islands Branch, formerly known as Credit Suisse,
 Cayman Islands Branch (as successor to Credit Suisse First Boston, Cayman Islands Branch);
 7 Credit Suisse Securities (USA) LLC (formerly known as Credit Suisse First Boston LLC); and
 Credit Suisse AG (collectively, “Credit Suisse” or “Appellant”)
 8

9 **UNITED STATES DISTRICT COURT**
 10 **FOR THE DISTRICT OF NEVADA**

11 In re:

12 LAKE AT LAS VEGAS JOINT VENTURE,
 13 LLC; LLV-1, LLC; LLV HOLDCO, LLC;
 14 LAKE LAS VEGAS PROPERTIES, LLC; LLV
 FOUR CORNERS, LLC; NORTHSHORE
 15 GOLF CLUB LLC; P-3 AT MONTELAGO
 VILLAGE LLC; THE GOLF CLUB AT LAKE
 16 LAS VEGAS LLC; MARINA INVESTORS
 LLC; THE VINEYARD AT LAKE LAS
 17 VEGAS LLC; LLVVHI LLC; TCH
 DEVELOPMENT LLC; TC TECHNOLOGIES
 18 LLC; SOUTHSHORE GOLF CLUB LLC
 19 NEVA HOLDINGS LLC

20 Jointly Administered Reorganized Debtors.

21 CREDIT SUISSE,

22 Appellant,

23 v.

24 LARRY LATTIG, CREDITOR TRUSTEE OF
 THE LLV CREDITOR TRUST

25 Appellee.

USDC Case No.: 17-cv-01975-JCM
 Appeal Ref. No. 17-27

Appeal from Case No. BK-S-08-17814-MKN
 BK 08-17815 MKN BK 08-17832 MKN
 BK 08-17817 MKN BK 08-17835 MKN
 BK 08-17820 MKN BK 08-17837 MKN
 BK 08-17822 MKN BK 08-17841 MKN
 BK 08-17825 MKN BK 08-17842 MKN
 BK 08-17827 MKN BK 08-17844 MKN
 BK 08-17830 MKN BK 08-17845 MKN

Joint Administration

**THIRD STIPULATION AND ORDER TO
 EXTEND BRIEFING SCHEDULE TO
 FACILITATE MEDIATION**

26 Credit Suisse, by and through its undersigned counsel, Elizabeth W. Walker of the law firm
 27
 28

1 Sidley Austin LLP and William M. Noall of the law firm Garman Turner Gordon LLP, Larry
2 Lattig, as Creditor Trustee (the "Creditor Trustee") of the LLV Creditor Trust, by and through his
3 attorneys, Robert M. Charles, Jr. of the law firm Lewis Roca Rothgerber Christie LLP and Gary
4 Cruciani, Jr. of the law firm McKool Smith, P.C., and Highland Floating Rate Opportunities Fund
5 and NexPoint Credit Strategies Fund (together, the "Highland Entities" and, collectively with the
6 Creditor Trustee, the "Appellees") by and through their attorneys, Jacob S. Frumkin and Michael
7 D. Warner of the law firm Cole Schotz P.C. and Samuel A. Schwartz of the law firm Schwartz
8 Flansburg PLLC (collectively, the "Parties"), stipulate and agree as follows:

9 **RECITALS**

10 a. On December 12, 2017, this Court issued a Minute Order [ECF No. 27] (the
11 "Minute Order") setting the deadlines for Appellant to file and serve an opening brief, for
12 Appellee(s) to file and serve an answering brief, and for Appellant to file and serve a reply brief.
13 The deadlines set in the Minute Order are December 26, 2017, January 9, 2018, and January 23,
14 2018, respectively.

15 b. On December 29, 2017, this Court issued an Order [ECF No. 31] extending the
16 deadlines contained in the Minute Order to March 2, 2018, April 6, 2018, and April 20, 2018,
17 respectively, to facilitate the Parties' planned mediation with the Honorable Gregg W. Zive.

18 c. On January 23, 2018 the Parties mediated the disputes involved in what is referred
19 to by the Parties and the United States Bankruptcy Court for the District of Nevada as the
20 "Indemnification Dispute," which include this appeal. **The mediation included approximately**
21 **46 additional parties with financial interests in the Indemnification Dispute, but who have**
22 **yet to make an appearance in the appeal and thus are not Parties to this Stipulation and**
23 **Order.**

24 d. On March 2, 2018, the Parties submitted their *Second Stipulation and Order to*
25 *Extend Briefing Schedule to Facilitate Mediation* [ECF No. 32] ("Extension Stipulation") as the
26 Parties needed additional time (the, "Extension Period") to document and implement the
27 agreements made at mediation.

28 e. On March 30, 2018, this Court issued an order [ECF No. 33] granting the Extension

1 Stipulation thereby extending the deadlines to April 6, 2018, May 4, 2018 and May 18, 2018.

2 f. Since the Parties entered into the Extension Stipulation, they have continued
3 negotiating the documentation to implement the agreements made at mediation, including
4 documentation that will allow the termination of this appeal. However, primarily due to the fact
5 that several of the attorneys representing Parties were engaged in unrelated trials during the
6 Extension Period that ran much longer than they originally expected, and the additional fact that it
7 took more time than anticipated to obtain the additional 46 interested parties' updated contact
8 information, the Parties have not yet obtained the necessary order from Judge Nakagawa that will
9 in turn facilitate the dismissal of this appeal by the April 6, 2018 briefing deadline. Though the
10 Parties believe they should have the papers to dismiss this appeal filed within about thirty (30)
11 days, out of an abundance of caution, they hereby seek a sixty (60) day extension of the briefing
12 deadlines to avoid the need for further extensions of time from this Court.

13 g. The Parties do not wish to expend further resources on this appeal pending its
14 dismissal.

15 h. In view of the foregoing and consistent with Bankruptcy Rule 8009, made
16 applicable to this appeal pursuant to LR 8018, the Parties have further met and conferred regarding
17 an extension of the current briefing schedule.

18 **STIPULATION**

19 Based upon the above Recitals and subject to the entry of an order by this Court approving
20 this Stipulation, the Parties agree that:

- 21 1. The Appellant shall have until June 5, 2018, to file and serve an opening brief.
- 22 2. The Appellees shall have until July 3, 2018, to file and serve an answering brief.
- 23 3. The Appellant shall have until July 17, 2018, to file and serve a final reply brief.

24 Dated: April 6, 2018.

25 GARMAN TURNER GORDON LLP

SIDLEY AUSTIN LLP

26 /s/ William M. Noall

/s/ Elizabeth W. Walker

27 William M. Noall
650 White Drive, Suite 100
Las Vegas, NV 89119
Telephone (725) 777-3000

28 Elizabeth W. Walker
555 West Fifth Street, 40th Floor
Los Angeles, CA 90013

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

Facsimile (725) 777-3112
Attorney for Credit Suisse

LEWIS ROCA ROTHGERBER CHRISTIE
LLP
/s/ Robert M. Charles, Jr.
Robert M. Charles, Jr.
3993 Howard Hughes Pkwy Ste 600
Las Vegas, NV 89169-5996
Telephone: (702) 949-8320
Facsimile: (702) 949-8321
Co-Counsel for the LLV Credit Trust

Telephone: (213) 896-6000
Facsimile: (213) 896-6600
Attorneys for Credit Suisse

COLE SCHOTZ P.C.
/s/ Jacob S. Frumkin
Jacob S. Frumkin
25 Main Street
Hackensack, NJ 07601
Telephone: (201) 489-3000
Michael D. Warner
301 Commerce Street Suite 1700
Fort Worth, TX 76102
Telephone: (817) 810-5250
Attorney for the Highland Entities

IT IS SO ORDERED:


UNITED STATES DISTRICT JUDGE

DATED: April 10, 2018