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12 *the Certificateholders of the CWALT, Inc. Alternative Loan Trust 2006-OA10 Mortgage Pass-*
13 *Through Certificates, Series 2006-OA10*

9 **UNITED STATES DISTRICT COURT**

10 **FOR THE DISTRICT OF NEVADA**

11 THE BANK OF NEW YORK MELLON
12 FKA THE BANK OF NEW YORK, AS
13 TRUSTEE FOR THE
14 CERTIFICATEHOLDERS OF THE
15 CWALT, INC. ALTERNATIVE LOAN
16 TRUST 2006-OA10 MORTGAGE PASS-
17 THROUGH CERTIFICATES, SERIES
18 2006-OA10, a national bank,

19 Plaintiff,

20 vs.

21 GREEN VALLEY SOUTH OWNERS
22 ASSOCIATION NO. 1, a Nevada
23 corporation; SFR INVESTMENTS POOL
24 1, LLC, a Nevada limited liability
25 company,

26 Defendants.

CASE NO.: 2:17-CV-02024-KJD-GWF

**STIPULATION AND ORDER TO
EXTEND THE DISPOSITIVE
MOTION AND PRETRIAL ORDER
DEADLINES**

(FIRST REQUEST)

24 Plaintiff The Bank of New York Mellon fka The Bank of New York, as Trustee for the
25 Certificateholders of the CWALT, Inc. Alternative Loan Trust 2006-OA10 Mortgage Pass-
26 Through Certificates, Series 2006-OA10 (“Plaintiff”) and SFR Investments Pool 1,
27 (“Defendant,” or “SFR”)) and collectively (“The Parties”), hereby stipulate to extend the
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1 dispositive motion and pretrial order deadlines pursuant to ECF No. 32 and LR IA 6-1 as
2 follows:

3 On July 25, 2017, BNYM filed a Complaint for Quiet Title/Declaratory Relief. The
4 Complaint's causes of action and claims for relief concern title to real property. On September 6,
5 2017, Defendant Green Valley South Owners Association No. 1 ("Association") filed an Answer
6 to BNYM's Complaint. [ECF No. 8]. Subsequently, SFR filed a Motion to Dismiss on October
7 23, 2017. [ECF No. 15]. Pursuant to the scheduling order entered on October 24, 2017, the
8 discovery deadline was March 5, 2018, the dispositive motion deadline was to be April 4, 2018
9 and the proposed pretrial order was May 4, 2018. [ECF No.17]. BNYM's claims against the
10 Association were dismissed by way of Stipulation and Order on January 19, 2018. [ECF No. 26].
11 After the close of discovery, BNYM and SFR stipulated to extend the remaining Scheduling
12 Order deadlines pending the Court's decision on SFR's Motion to Dismiss. [ECF No. 27].

13 On June 26, 2018, this Court issued an Order denying SFR's Motion to Dismiss and
14 staying the case pending the Nevada Supreme Court's decision on a certified question presented
15 to it in the *Bank of New York Mellon v. Star Hill Homeowners Association* matter. [ECF No. 30].
16 Following the Nevada Supreme Court's decision in the *Star Hill* matter, BNYM filed a Motion
17 to Lift Stay, which was granted by this Court on October 17, 2018. [ECF Nos. 31 and 32,
18 respectively].

19 In the lift stay Order, this Court indicated that the parties may either move for a modified
20 discovery plan or file dispositive motions within forty-five (45) days of the Order.¹ [ECF No.
21 32]. Thus, the current dispositive motion deadline is December 3, 2018.

22 On November 21, 2018, SFR filed an Answer to BNYM's Complaint, Counterclaim and
23 Cross-Claim against the former homeowner, Dennis E. Carroll ("Borrower"). [ECF No. 33].
24 BNYM's Answer to SFR's Counterclaim will be forthcoming, but it is not yet clear if the
25 Borrower will file a response.

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28 ¹ Forty-five (45) days after October 17, 2018 is Saturday, December 1, 2018. Pursuant to Fed. R. Civ. P. 6(a)(1)(C),
the deadline is advanced to the next judicial day, which is December 3, 2018.

1 While the parties agree that reopening discovery is not currently necessary, the parties
2 request a sixty (60) day extension of the dispositive motion and pretrial order deadlines to allow
3 time for BNYM to file an Answer to SFR's Counterclaim and to allow the Borrower/Cross-
4 Defendant an opportunity to file a response. In the event the Borrower files a response, it is
5 anticipated that the Borrower may request additional discovery at that time.

6 Accordingly, the Parties stipulate to a brief sixty (60) day extension of the dispositive
7 motion and pretrial order deadlines as set forth below.

8 **PROPOSED REMAINING SCHEDULING ORDER DEADLINES.**

9 Dispositive Motions: Friday, February 1, 2019

10 Pre-Trial Order: Monday, March 4, 2019

11 Good cause exists to extend the dispositive motion and pretrial order deadline as the case
12 was stayed pending the resolution of SFR's motion to dismiss and SFR only recently was able to
13 file its answer, counterclaims and crossclaims. This is the first stipulation for an extension of the
14 dispositive motion and pretrial order deadlines.

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This stipulation is not made to cause delay or prejudice any party.

DATED this 3rd day of December, 2018

DATED this 29th day of November, 2018

ZIEVE, BRODNAX & STEELE, LLP

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/s/ J. Stephen Dolembro, Esq.

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Attorneys for Plaintiff *The Bank of New York Mellon fka The Bank of New York, as Trustee for the Certificateholders of CWALT, Inc., Alternative Loan*

Attorneys for SFR Investments Pool 1, LLC

ORDER

IT IS SO ORDERED.

DATED: December 4, 2018.



UNITED STATES MAGISTRATE JUDGE