

AKERMAN LLP

1635 VILLAGE CENTER CIRCLE, SUITE 200
LAS VEGAS, NEVADA 89134
TEL.: (702) 634-5000 – FAX: (702) 380-8572

1 ARIEL E. STERN, ESQ.
Nevada Bar No. 8276
2 TENESA POWELL, ESQ.
Nevada Bar No. 12488
3 AKERMAN LLP
1635 Village Center Circle, Suite 200
4 Las Vegas, NV 89134
Telephone: (702) 634-5000
5 Facsimile: (702) 380-8572
Email: ariel.stern@akerman.com
6 Email: tenesa.powell@akerman.com

7 Attorneys for The Bank of New York Mellon
f/k/a The Bank of New York as Trustee for
8 the Benefit of the Certificate Holders of the
CWALT, Inc., Alternative Loan Trust 2004-
9 8CB Mortgage Pass Through Certificates,
Series 2004-8CB

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12
13 THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK AS TRUSTEE
14 FOR THE BENEFIT OF THE CERTIFICATE
HOLDERS OF THE CWALT, INC.,
15 ALTERNATIVE LOAN TRUST 2004-8CB
MORTGAGE PASS THROUGH
16 CERTIFICATES, SERIES 2004-8CB;

17 Plaintiff,
18 vs.

19 TIERRA DE LAS PALMAS OWNERS
ASSOCIATION; SFR INVESTMENTS POOL I,
20 LLC; and ABSOLUTE COLLECTION
SERVICES, LLC,

21 Defendants.

Case No.: 2:17-cv-02112-JAD-CWH

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

[SECOND REQUEST]

22 The Bank of New York Mellon f/k/a The Bank of New York as Trustee for the Benefit of the
23 Certificate Holders of the CWALT, Inc., Alternative Loan Trust 2004-8CB Mortgage Pass Through
24 Certificates, Series 2004-8CB (**BoNYM**), Absolute Collections Services, LLC (**Absolute**), and SFR
25 Investments Pool 1, LLC¹ (**SFR**) by and through their respective counsel of record, and hereby
26 jointly submit this Stipulation and Order to Extend Discovery Deadlines (Second Request) pursuant
27 to LR IA 6-1 and LR 26-4. This is the second stipulation to extend the discovery deadlines set by
28

¹ Tierra De Las Palmas Owners Association has not appeared in the case.

1 the first request to extend discovery deadlines (ECF No. 17) entered by the Court on September 29,
2 2017.

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

4 **1. Rule 26 Disclosures**

5 Plaintiff BoNYM served its Initial Disclosures on September 28, 2017.

6 Plaintiff BoNYM served its First Supplement to Initial Disclosures on December 1, 2017.

7 Plaintiff BoNYM served its Initial Expert Disclosures on December 29, 2017.

8 Defendant Absolute served its Initial Disclosures on January 23, 2018.

9 Plaintiff BoNYM served its Second Supplement to Initial Disclosures on February 7, 2018.

10 Plaintiff BoNYM served its Third Supplement to Initial Disclosures on March 12, 2018.

11 **2. Written Discovery**

12 Plaintiff BoNYM served its first set of interrogatories, requests for admissions and requests
13 for production of documents to Absolute on November 6, 2017.

14 Plaintiff BoNYM served its first set of interrogatories, requests for admissions and requests
15 for production of documents to SFR on November 6, 2017.

16 Defendant SFR served its responses to requests for production of documents, response to
17 requests for admission and answers to interrogatories on December 11, 2017.

18 Defendant Absolute served its responses to requests for admission on December 11, 2017,
19 responses to requests for production of documents on January 23, 2018, and answers to
20 interrogatories on January 24, 2018.

21 Defendant SFR served its first set of requests for admission, requests for production, and
22 interrogatories to BoNYM on January 24, 2018.

23 Plaintiff BoNYM served a Subpoena Duces Tecum upon the HOA, with the response due by
24 February, 12, 2018.

25 Plaintiff BoNYM served its responses to SFR's first set of requests for admission, requests
26 for production, and interrogatories to SFR on March 12, 2018.

27 ...

28 ...

1 **3. Depositions**

2 BoNYM deposited Absolute Collections on January 26, 2018.

3 BoNYM subpoenaed the HOA for deposition to take place on March 29, 2018, but this
4 deposition needs to be rescheduled due to illness of the witness.

5 **B. STATEMENT OF DISCOVERY REMAINING TO BE COMPLETED**

6 SFR's deposition of BoNYM and BoNYM's deposition of the HOA. The parties reserve the
7 right to conduct any additional discovery.

8 **C. REASONS WHY AN EXTENSION IS REQUIRED**

9 BoNYM's deposition was stayed pending this court's decision on BANA's motion for
10 protective order in Bank of Am., N.A. v. Falcon Pointe Ass'n et al, D. Nev. Case. No. 2:16-cv-00814-
11 GMN-CWH. See ECF No. 34. A decision on the Falcon Pointe motion was issued on April 5, 2018.
12 See ECF No. 107 in the Falon Pointe case. The parties request an extension of discovery to
13 accommodate the scheduling of SFR's deposition of BoNYM. Given counsel and witness
14 availability, the parties anticipate scheduling BoNYM's deposition in late April or early May 2018.

15 **D. PROPOSED SCHEDULE FOR ALL REMAINING DISCOVERY**

	<u>Current Deadline</u>	<u>Proposed Deadline</u>
17 Discovery Cut-Off:	March 26, 2018	June 4, 2018
18 Dispositive Motions Deadline:	April 25, 2018	July 5, 2018
19 Pretrial Order Deadline:	May 25, 2018	August 6, 2018

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

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

E. CURRENT TRIAL DATE

The court **has not** yet set a trial date.

Based on the foregoing, the parties respectfully request the court extend the remaining discovery deadlines as requested above.

The parties make this request in good faith and believe good cause exists for extending these deadlines.

Dated: April 10, 2018

<p>AKERMAN LLP</p> <p><u>/s/ Tenesa Powell</u> ARIEL E. STERN, ESQ. Nevada Bar No. 8276 TENESA POWELL, ESQ. Nevada Bar No. 12488 1635 Village Center Circle, Suite 200 Las Vegas, Nevada 89134 Attorneys for The Bank of New York Mellon f/k/a The Bank of New York as Trustee for the Benefit of the Certificate Holders of the CWALT, Inc., Alternative Loan Trust 2004- 8CB Mortgage Pass Through Certificates, Series 2004-8CB</p>	<p>ABSOLUTE COLLECTION SERVICES</p> <p><u>/s/ Shane D. Cox</u> SHANE D. COX, ESQ. Nevada Bar No. 13852 8440 W. Lake Mead Blvd. Ste. 210 Las Vegas, Nevada 89128 Attorney for Absolute Collection Services, LLC</p>
<p>KIM GILBERT EBRON</p> <p><u>/s/ Diana S. Ebron</u> DIANA S. EBRON, ESQ. Nevada Bar No. 10580 JACQUELINE A. GILBERT, ESQ. Nevada Bar No. 10593 KAREN L. HANKS, ESQ. Nevada Bar No. 9578 7625 Dean Martin Drive, Suite 110 Las Vegas, NV 89139 Attorneys for SFR Investments Pool 1, LLC</p>	

ORDER

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

April 11, 2018
DATED: _____