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10 *Attorneys for Plaintiff*
11 *VIRGILIA PENARIJO*

12 **IN THE UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 VIRGILIA PENARIJO, an individual,
15
16 Plaintiff,

17 v.

18 OCWEN LOAN SERVICING, LLC.; THE
BANK OF NEW YORK MELLON (FKA
19 THE BANKOF NEW YORK) AS TRUSTEE
FOR THE HOLDERS OF AMERICAN
HOME MORTGAGE INVESTMENT TRUST
20 2004-4; and WESTERN PROGRESSIVE-
NEVADA, INC., as Trustee for Beneficiary,

21 Defendants.
22

Case No: 2:17-cv-02121-RFB-PAL

**STIPLUATION AND ORDER TO
EXTEND BREIFING SCHEDULE**

23 **STIPLUATION AND ORDER TO EXTEND BREIFING SCHEDULE**

24 Plaintiff VIRGILIA PENARIJO (“Plaintiff” or “Penarijo”), appearing by and through her
25 attorneys, MICHAEL B. LEE, P.C. and MONTEZ NAZARETH LAW., and Defendants OCWEN
26 LOAN SERVICING, LLC (“OLS”), THE BANK OF NEW YORK MELLON (FKA THE
27 BANK OF NEW YORK) AS TRUSTEE FOR THE HOLDERS OF AMERICAN HOME
28 MORTGAGE INVESTMENT TRUST 2004-4 (“Bank of New York”), and WESTERN

1 PROGRESSIVE NEVADA, INC. (“WPN”) (OLS, Bank of New York, and WPN are
2 collectively referred to as “Defendants”), appearing by and through their attorneys, WRIGHT,
3 FINLAY, & ZAK, LLP, based on the following information:

4 1. On or about August 13, 2018, the Parties filed a Joint Status Report for this matter
5 (ECF No. 37). Therein, the Parties requested a 90 day extension to the August 13, 2018 status
6 check related to the requested short sale of the subject real property. *Id.* at 3:12-20.

7 2. On January 22, 2019, this Honorable Court issued a Minute Order that:

8 the parties shall have until February 19, 2019 to file a stipulation to
9 dismiss if they have settled. If the parties have not settled
10 defendants shall have until February 19, 2019 to refile motions to
11 dismiss which were pending and set for hearing and vacated when
12 the parties filed their Notice of Settlement. Signed by Magistrate
13 Judge Peggy A. Leen on 1/18/2019. (Copies have been distributed
14 pursuant to the NEF - MMM)

15 3. On February 13, 2019, the Parties filed their Joint Status report stating that:

16 On September 21, 2018, Ocwen approved Ms. Penarijo’s request
17 for a short sale under the terms acceptable to Ocwen. Ms. Penarijo
18 received short sale approval from the second lender on the subject
19 real property. Plaintiff secured a buyer for the subject real
20 property, and the property is set to close on March 23, 2019.

21 (ECF No. 39).

22 4. As no minute order granting an extension for Defendants to file their motions to
23 dismiss, Defendants, out of an abundance of caution, filed their Motion to Dismiss (ECF No. 40)
24 and their Motion for Judicial Notice (ECF No. 41) on February 19, 2019. However, Defendants
25 only filed to preserve the Motions, but have the expectation that this matter will resolve by way
26 of the short sale.

27 5. Plaintiff’s Opposition is due in normal course on or before **March 5, 2019**, but
28 the Parties stipulated and agreed to provide Plaintiff with an extension to file the Responses on or
before April 8, 2019 as a matter of judicial efficiency to and reduce the costs related thereto as
both Parties expect this matter to resolve by way of the short sale set to close on March 23, 2019.

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IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff's counsel and Defendants' counsel, that the deadline for Plaintiff to file its Opposition to Defendants' Motion to Dismiss, which was filed on February 19, 2019, shall be extended to **April 8, 2019**.

DATED this 27 of February, 2019. DATED this 27 of February, 2019.

/s/ Michael Lee
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Attorney for Plaintiff

/s/ Samuel Ehlers
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Attorneys for Defendants

ORDER

Based on the **STIPULATION AND ORDER TO EXTEND BRIEFING SCHEDULE**, the Stipulation is GRANTED and the date for which Plaintiff is to reply to Defendant's Motion to Dismiss has been extended to **April 8, 2019**.

Dated this 28th day of February, 2019.


RICHARD F. BOULWARE, II
United States District Judge