

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  
 fka The Bank of New York, as Trustee for the  
 8 Certificate Holders of CWMB, Inc., CHL  
 Mortgage Pass Through Trust 2005-02  
 9

10 **UNITED STATES DISTRICT COURT**  
 11 **DISTRICT OF NEVADA**

12 THE BANK OF NEW YORK MELLON FKA  
 THE BANK OF NEW YORK, AS TRUSTEE  
 13 FOR THE CERTIFICATE HOLDERS OF  
 CWMB, INC., CHL MORTGAGE PASS  
 14 THROUGH TRUST 2005-02, MORTGAGE  
 PASS THROUGH CERTIFICATES 2005-02,  
 15  
 16 Plaintiff,  
 vs.  
 17 SOUTHERN HIGHLANDS COMMUNITY  
 ASSOCIATION; SFR INVESTMENTS POOL  
 18 1, LLC,  
 19 Defendants.

Case No.: 2:17-cv-02146-JCM-GWF

**STIPULATION AND ORDER TO EXTEND  
 DISCOVERY DEADLINES**

[SECOND REQUEST]

**AKERMAN LLP**

1635 VILLAGE CENTER CIRCLE, SUITE 200  
 LAS VEGAS, NEVADA 89144  
 TEL.: (702) 634-5000 – FAX: (702) 380-8572

20 Plaintiff The Bank of New York Mellon fka The Bank of New York, as Trustee for the  
 21 Certificate Holders of CWMB, Inc., CHL Mortgage Pass Through Trust 2005-02 (**BoNYM**),  
 22 Southern Highlands Community Association (**HOA**), and SFR Investments Pool 1, LLC (**SFR**), by  
 23 and through their respective counsel of record, and hereby jointly submit this Stipulation and Order  
 24 to Extend Discovery Deadlines (Second Request) pursuant to LR IA 6-1 and LR 26-4. This is the  
 25 second stipulation to extend the discovery deadlines set by the Scheduling Order (ECF No. 18)  
 26 entered by the Court on October 13, 2017.

27 . . .

28

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

2 **1. Rule 26 Disclosures**

3 Plaintiff BoNYM served its Initial Disclosures on September 27, 2017.

4 Plaintiff BoNYM served its First Supplement to Initial Disclosures on October 26, 2017.

5 Defendant HOA served its Initial Disclosures on November 9, 2017.

6 Defendant SFR served its Initial Disclosures on November 20, 2017.

7 Defendant HOA served its First Supplement to Initial Disclosures on November 30, 2017.

8 Plaintiff BoNYM served its Second Supplement to Initial Disclosures on December 12, 2017.

9 Plaintiff BoNYM served its Initial Expert Disclosures on December 21, 2017.

10 Defendant SFR served its Initial Expert Disclosures on December 29, 2018.

11 Defendant SFR served its Rebuttal Expert Disclosure via mail on January 25, 2018.

12 Plaintiff BoNYM served its Third Supplement to Initial Disclosures on February 23, 2018.

13 Defendant HOA served its Second Supplement to Initial Disclosures on March 5, 2018.

14 Defendant SFR served its First Supplement to Initial Disclosures on March 21, 2018.

15 **2. Written Discovery**

16 Plaintiff BoNYM served its first set of interrogatories, requests for admissions and requests  
17 for production of documents to HOA on October 26, 2017.

18 Plaintiff BoNYM served its first set of interrogatories, requests for admissions and requests  
19 for production of documents to SFR on October 26, 2017.

20 Defendant HOA served its responses to requests for production of documents, response to  
21 requests for admission and answers to interrogatories on November 30, 2017.

22 Defendant SFR served its responses to requests for admission on November 30, 2017, and  
23 responses to requests for production of documents and answers to interrogatories on December 1,  
24 2017.

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

1 Plaintiff BoNYM served its responses to SFR's requests for production of documents,  
2 response to requests for admission and answers to interrogatories on February 23, 2018.

3 Defendant HOA served its first supplement to responses to BoNYM's request for production  
4 on March 5, 2018.

### 5 **3. Depositions**

6 BoNYM's Deposition of HOA was taken on February 9, 2018.

7 BoNYM's Deposition of HOA Trustee Alessi & Koenig, LLC was taken on February 9,  
8 2018.

### 9 **B. STATEMENT OF DISCOVERY REMAINING TO BE COMPLETED**

10 SFR's deposition of BoNYM. The parties reserve the right to conduct any additional  
11 discovery.

### 12 **C. REASONS WHY AN EXTENSION IS REQUIRED**

13 BoNYM's deposition was stayed pending this court's decision on BANA's motion for  
14 protective order in Bank of America, N.A. v. Azure Manor/Rancho De Paz Homeowners  
15 Ass'n, et al, D. Nev Case No. 2:16-cv-00764-GMN-GWF. See ECF No. 31. A decision on  
16 the Azure Manor motion was issued on March 19, 2018. See ECF No. 62 in the Azure  
17 Manor case. The parties request an extension of discovery to accommodate the scheduling  
18 of SFR's deposition of BoNYM. Given counsel and witness availability, the parties  
19 anticipate scheduling BoNYM's deposition in late April or early May 2018.

### 20 **D. PROPOSED SCHEDULE FOR ALL REMAINING DISCOVERY**

	<b><u>Current Deadline</u></b>	<b><u>Proposed Deadline</u></b>
21 Discovery Cut-Off:	March 21, 2018	<b>May 30, 2018</b>
22 Dispositive Motions Deadline:	April 20, 2018	<b>June 29, 2018</b>
23 Pretrial Order Deadline:	May 21, 2018	<b>July 30, 2018</b>
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: March 28, 2018

<p><b>AKERMAN LLP</b></p> <p><u>/s/ Tenesa Powell</u>  <b>ARIEL E. STERN, ESQ.</b>                  Nevada Bar No. 8276  <b>TENESA POWELL, ESQ.</b>                  Nevada Bar No. 12488                  1635 Village Center Circle, Suite 200                  Las Vegas, Nevada 89134                  Attorneys for The Bank of New York Mellon</p>	<p><b>ALVERSON, TAYLOR, MORTENSEN &amp; SANDERS</b></p> <p><u>/s/ Adam Knecht</u>  <b>KURT R. BONDS, ESQ.</b>                  Nevada Bar No. 6228  <b>ADAM R. KNECHT, ESQ.</b>                  Nevada Bar No. 13166                  6605 Grand Montecito Parkway, Suite 200                  Las Vegas, Nevada 89149                  Attorneys for Southern Highlands Community Association</p>
<p><b>KIM GILBERT EBRON</b></p> <p><u>/s/ Diana S. Ebron</u>  <b>DIANA S. EBRON, ESQ.</b>                  Nevada Bar No. 10580  <b>JACQUELINE A. GILBERT, ESQ.</b>                  Nevada Bar No. 10593  <b>KAREN L. HANKS, ESQ.</b>                  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**

**DATED: 3/29/2018**