New Penn F	ihancial, LLC v. Riverwalk Ranch Master Homeowners	Association et al	Doc. 82
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7	UNITED STATES DISTRICT COURT		
8	DISTRICT OF NEVADA		
9	NEW PENN FINANCIAL, LLC DBA	Case No.: 2:17-CV-02167-APG-DJA	
10	SHELLPOINT MORTGAGE SERVICING; FEDERAL HOME LOAN MORTGAGE	STIPULATION AND ORDER TO	
11	CORPORATION,	CONTINUE TRIAL	
12	Plaintiff,		
13	VS.		
14	RIVERWALK RANCH MASTER HOMEOWNERS ASSOCIATION;		
15	HORNBROOK FAMILY TRUST,		
16	Defendants.		
17		J	
18	Riverwalk Ranch Master Homeowners Association (HOA) and Ricardo Fojas (Fojas)		
19	(collectively the Parties), stipulate and agree to continue the trial currently scheduled on the		
20	stacked calendar of June 15, 2020. In support of this request, the parties state as follows:		
21	1. A jury trial is scheduled for a stacked calendar on June 15, 2020. ECF No. 75.		
22	2. On April 3, 2020, the Court entered a Minute Order in Chambers [ECF No. 78]		
23	vacating the Settlement Conference scheduled for May 7, 2020 due to concerns regarding		
24	COVID-19.		
25	3. HOA and Fojas agree that there is	good cause to continue trial.	
26	4. HOA and Fojas are engaging in settlement discussions, but those discussions		
27	have been slowed due to the COVID-19 outbreak. There is good cause to continue trial to		
28	allow the parties additional time to reach settlement.		
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5. There is also good cause to continue trial due to the COVID-19 outbreak. The changing events surrounding the COVID-19 outbreak and considerations of the safety and health of all those who may be involved in this trial constitute good cause to continue trial. State courts in this jurisdiction have now suspended jury trials and undertaken other aggressive social distancing measures. *See* Administrative Order 20-13 (April 17, 2020, available at http://www.clarkcountycourts.us/res/rules-and-orders/2020-04-

<u>17 10 58 29 administrative%20order%2020-13.pdf</u>. The outbreak will likely prevent the parties and the court from seating a jury on June 15, 2020. In addition, the outbreak has impacted Fojas' ability to prepare for and attend trial. In December 2019, Mr. Fojas travelled to the Philippines to attend to family matters. On his return trip, he had stopovers in China and Los Angeles, California. Although the virus was not yet widely reported, we now know that it was circulating in China and Los Angeles during that time. Fojas became ill upon his return to Las Vegas, exhibiting a fever and flu like symptoms. He is 71 years old and continues to shelter in place as recommended by the Governor of the State of Nevada for those individuals in high risk groups like himself. For these reasons, there is good cause to continue trial.

6. The Parties agree the June 15, 2020 trial date be vacated and rescheduled for 90 days from June 15, 2020.

7. The Parties further agree the May 15, 2020 deadline to file pre-trial motions and pre-trial disclosures be continued in accordance with the continued trial date set by this Court.

8. The Parties further agree the June 9, 2020 calendar call and related deadlines for filing the parties' trial briefs, the parties' witness and exhibit lists, proposed jury instructions, proposed voir dire questions (for jury trial) and proposed findings of facts and conclusions of law (for bench trial) be vacated and rescheduled in accordance with the new trial date set by this Court.

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9. This is the Parties' first request for a trial continuance and extension of trial related deadlines and is not intended to cause any delay or prejudice to any party. The Parties recognize the potential ongoing nature of the virus threat and will continue to discuss whether alternatives to a jury trial are appropriate for this matter.

Dated: May 18, 2020.

6	HALL JAFFE & CLAYTON, LLP	RICARDO FOJAS
7 8 9	By: <u>/s/Ashlie L. Surur</u> Ashlie L. Surur, Esq. Nevada Bar No.11290 7425 Peak Drive Las Vegas, Nevada 89128	By: <u>/s/ Ricardo Fojas</u> Ricardo Fojas 4400 S. Jones Blvd., Unit 1025 Las Vegas, Nevada 89103
10 11	Attorneys for Riverwalk Ranch Master Homeowners Association	In proper person

<u>ORDER</u>

Based on the parties stipulation and good cause appearing, the jury trial currently set for June 15, 2020 is vacated and continued to November 16, 2020 at 9:00 a.m.; and the calendar call currently set for June 9, 2020 is vacated and continued to November 10, 2020 at 8:45 a.m. in Courtroom 6C. All trial briefs, proposed voir dire, proposed jury instructions, exhibit lists, and witness list are due by noon on November 10, 2020.

IT IS SO ORDERED.

DATED: May 19, 2020

UNITED STATES DISTRICT COURT JUDGE

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1	CERTIFICATE OF SERVICE			
2				
3	I certify that on May 19, 2020, I served a true and correct copy of the foregoing			
4	STIPULATION AND ORDER TO CONTINUE TRIAL on the following parties by			
5	depositing a true copy thereof in the U.S. Mail, first class postage prepaid and addressed as			
6	follows:			
7	Richard Fojas 4400 S. Jones Blvd., Unit 1025			
8	Las Vegas, Nevada 89103			
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10	/s/Michele Stones An Employee of HALL JAFFE & CLAYTON, LLP			
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