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 8 **UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**

10 U.S. BANK NATIONAL ASSOCIATION, AS
 TRUSTEE FOR J.P. MORGAN MORTGAGE
 TRUST 2006-A-7,
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 12 **Plaintiff,**
 13 vs.
 14 SOUTHERN HIGHLANDS COMMUNITY
 ASSOCIATION; and SFR INVESTMENTS
 POOL 1, LLC,
 15
 16 **Defendants.**

Case No. 2:18-cv-00205-GMN-BNW

**STIPULATION AND ORDER TO
 EXTEND DISCOVERY AND
 DISPOSITIVE MOTION DEADLINES**

(Second Request)



17 SFR Investments Pool 1, LLC (“SFR”) and U.S. Bank National Association, as Trustee for
 18 J.P. Morgan Mortgage Trust 2006-A-7, (“U.S. Bank”) hereby respectfully submit this Stipulation
 19 and Order to Extend Discovery and Dispositive Motion Deadlines pursuant to LR 26-4 and LR IA
 20 6-1. This is the Parties second request for an extension of the deadlines.

21 On February 13, 2024, the parties discussed the necessity to extend the discovery and
 22 dispositive motion deadlines because the Custodian of Records for Miles Bauer Bergstrom &
 23 Winters did not comply by the deadline and has not reached out with regard to the subpoena duces
 24 tecum SFR served in January. SFR requested documents from Miles Bauer with the intent to then
 25 depose Rock Jung regarding these documents. SFR needs time to either compel these documents
 26 or secure these documents through other forms of discovery, and then once received depose Rock
 27 Jung. The parties hereby request to extend the discovery deadlines to April 22, 2024, the
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1 dispositive motions deadline to May 22, 2024, and the Pre-trial Order deadline to June 21, 2024.

2 **I. DISCOVERY COMPLETED:**

3 A. Initial and Supplemental Disclosures:

- 4 1. On July 18, 2018, SFR served its Initial Disclosures.
- 5 2. On July 2, 2018, U.S. Bank served its Initial Disclosures.
- 6 3. On July 27, 2018, U.S. Bank served its Second Supplemental Disclosure
- 7 4. On October 18, 2023, U.S. Bank served its Third Supplemental Disclosure
- 8 5. On November 28, 2023, U.S. Bank served its Fourth Supplemental
- 9 Disclosure.
- 10 6. On December 20, 2023, U.S. Bank served its Fifth Supplemental
- 11 Disclosure.
- 12 7. On January 19, 2024, U.S. Bank served its Sixth Supplemental Disclosure.
- 13 8. On January 22, 2024, SFR served its First Post Remand Disclosures.
- 14 9. On February 6, 2024, SFR served its Second Post Remand Disclosures.

15 B. Initial and Rebuttal Expert Disclosures:

- 16 1. On June 14, 2018, U.S. Bank served its Initial Expert Disclosure.

17 C. Written Discovery:

- 18 1. On June 27, 2018, U.S. Bank served its First Sets of Requests for
- 19 Admission, Interrogatories, and Requests for Production of Documents to
- 20 SFR.
- 21 2. On July 25, 2018, SFR served its First Sets of Requests for Admission,
- 22 Interrogatories, and Requests for Production of Documents to U.S. Bank.
- 23 3. On January 19, 2024, SFR served its First Post Remand Set of
- 24 Interrogatories to U.S. Bank.
- 25 4. On January 19, 2024, U.S. Bank served its First Sets of Post Remand
- 26 Requests for Admission, Interrogatories, and Requests for Production of
- 27 Documents to SFR.
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- D. Depositions:
 - 1. Deposition of Diane DeLoney, 30(b)(6) Representative for U.S. Bank, taken on July 6, 2018.
 - 2. Deposition of David Alessi, 30(b)(6) Representative for Alessi & Koenig, LLC, taken on August 2, 2018.
 - 3. Deposition of David Bembas, 30(b)(6) Representative of SFR, taken on August 14, 2018.
 - 4. Deposition of Ryan Kerbow, Esq., taken on November 28, 2023.
 - 5. Deposition of Jeremy Bergstrom, Esq. scheduled for November 28, 2023 (non-appearance entered).

- E. Subpoenas:
 - 1. Subpoena Duces Tecum to Custodian of Records for Miles, Bauer, Bergstrom & Winters, LLP. Served on January 25, 2024. Responses were due February 9, 2024. No response was received.

II. SPECIFIC DESCRIPTION OF DISCOVERY THAT REMAINS TO BE COMPLETED:

- A. Written Discovery:
 - 1. SFR's First Post Remand Request for Production of Documents to U.S. Bank. As a back-up, SFR intends to request documents from U.S. Bank which it previously attempted to subpoena from Miles Bauer. SFR may also serve interrogatories that address the subject matter of the requested documents.
 - 2. Subpoena Duces Tecum to Bank of America, N.A. As a back-up, SFR intends to request documents from BANA which it previously attempted to subpoena from Miles Bauer.

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B. Depositions:

1. SFR’s deposition of Rock Jung to be rescheduled within 60 days. This deposition cannot be scheduled until SFR receives the documents it is seeking from Miles Bauer.

III. REASONS WHY DISCOVERY WAS NOT COMPLETED WITHIN TIME LIMITS SET BY DISCOVERY PLAN:

As required by LR 26-4, because this stipulation is being submitted within twenty-one (21) days of the discovery deadline, the parties must demonstrate good cause. Good cause is present to allow the parties an additional sixty (60) days to complete the remaining discovery. Specifically, SFR served a subpoena for records to Miles Bauer on January 25, 2024, and although the February 9, 2024, deadline to respond has passed, SFR is still not in receipt of the requested documents. Additionally, SFR has received no communication from Miles Bauer. SFR was relying on the production of these documents for the deposition of Rock Jung, which was scheduled for February 15, 2024. In order to move forward with the deposition of Rock Jung, SFR will need to file a motion to compel Miles Bauer’s production and/or in the meantime, as a back-up, serve written discovery to U.S. Bank and serve a subpoena to Bank of America to obtain the documents necessary to conduct the deposition of Rock Jung.

Accordingly, for the reasons stated above, good cause exists for the parties’ requested extension of the discovery and dispositive motion deadlines.

IV. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY:

<u>Event</u>	<u>Previous Deadline</u>	<u>New Deadline</u>
Discovery Cut-Off	Tuesday, February 20, 2024	Monday, April 22, 2024
Dispositive Motions	Thursday, March 21, 2024	Wednesday, May 22, 2024
Pre-Trial Order	Monday April 22, 2024	Friday, June 21, 2024

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1 The parties submit this Stipulation and Order in good faith and not for purposes of delay
2 or to prejudice any party.

3 DATED this 14th day of February 2024.

 DATED this 14th day of February 2024.

4 **HANKS LAW GROUP**

AKERMAN LLP

5 /s/ Karen L. Hanks

/s/ Scott R. Lachman

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9 Attorneys for SFR Investments Pool 1, LLC

 Attorneys for U.S. Bank National Association,
 as Trustee for J.P. Morgan Mortgage Trust
 2006-A-7

10
11 **ORDER**

12 **IT IS SO ORDERED.**

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16 UNITED STATES MAGISTRATE JUDGE

