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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
 11 TRUST 2006-A-7,
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 Plaintiff,
 13 vs.
 14 SOUTHERN HIGHLANDS COMMUNITY
 ASSOCIATION; and SFR INVESTMENTS
 15 POOL 1, LLC,
 16
 Defendants.

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

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

(Third Request)



18 SFR Investments Pool 1, LLC (“SFR”) and U.S. Bank National Association, as Trustee for
 19 J.P. Morgan Mortgage Trust 2006-A-7, (“U.S. Bank”) hereby respectfully submit this Stipulation
 20 and Order to Extend Discovery and Dispositive Motion Deadlines pursuant to LR 26-4 and LR IA
 21 6-1. This is the Parties second request for an extension of the deadlines.

22 On April 1, 2024, the parties discussed the necessity to extend the discovery and dispositive
 23 motion deadlines because the Custodian of Records for Miles Bauer Bergstrom & Winters has still
 24 not answered the subpoena duces tecum SFR served in January. SFR has followed up several times
 25 with the custodian of records, Doug Miles, but despite assurances the documents will be provided,
 26 every promised date has passed and SFR still does not have the documents. SFR requested
 27 documents from Miles Bauer with the intent to then depose Rock Jung regarding these documents.
 28

1 SFR needs time to secure these documents and then once received depose Rock Jung. The parties
2 hereby request to extend the discovery deadlines to June 22, 2024, the dispositive motions deadline
3 to July 24, 2024, and the Pre-trial Order deadline to August 26, 2024.¹

4 **I. DISCOVERY COMPLETED:**

5 A. Initial and Supplemental Disclosures:

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

17 B. Initial and Rebuttal Expert Disclosures:

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

19 C. Written Discovery:

- 20 1. On June 27, 2018, U.S. Bank served its First Sets of Requests for
21 Admission, Interrogatories, and Requests for Production of Documents to
22 SFR.
- 23 2. On July 25, 2018, SFR served its First Sets of Requests for Admission,
24 Interrogatories, and Requests for Production of Documents to U.S. Bank.
- 25 3. On January 19, 2024, SFR served its First Post Remand Set of
26 Interrogatories to U.S. Bank.

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28 ¹ August 24, 2024 falls on a Saturday.





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4. On January 19, 2024, U.S. Bank served its First Sets of Post Remand Requests for Admission, Interrogatories, and Requests for Production of Documents to SFR.

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.

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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.

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. Since, the last stipulation to extend discovery, however, SFR has received communication from Doug Miles, but despite several assurances SFR will receive the documents, to date SFR still has not received the documents. SFR is relying on the production of these documents for the deposition of Rock Jung, which was scheduled for February 15, 2024, and is currently on hold for re-scheduling. Based on the communications from Doug Miles, SFR has held off on serving written discovery to U.S. Bank to obtain the same documents necessary to conduct the deposition of Rock Jung, but this extension will allow SFR to both issue written discovery to U.S. Bank while also affording Miles Bauer more time.

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	Monday, April 22, 2024	Monday, June 24, 2024

1 Dispositive Wednesday, May 22, 2024 Wednesday, July 24, 2024
2 Motions

3 Pre-Trial Order Friday, June 21, 2024 Monday, August 26, 2024

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

6 DATED this 1st day of April 2024. DATED this 1st day of Aril 2024.

7 **HANKS LAW GROUP** **AKERMAN LLP**

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2006-A-7*

ORDER

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

