

1 KEVIN R. STOLWORTHY, ESQ./SBN 2798  
 2 BRANDON P. JOHANSSON, ESQ./SBN 12003  
**ARMSTRONG TEASDALE LLP**  
 3 3770 Howard Hughes Parkway, Suite 200  
 Las Vegas, Nevada 89169  
 Telephone: (702) 678-5070  
 4 Facsimile: (702) 878-9995  
 kstolworthy@atllp.com  
 5 bjohansson@atllp.com

6 JAMES C. ORR, JR. ESQ./TX SBN: 15313550  
*Admitted Pro Hac Vice*  
**HEYGOOD, ORR & PEARSON**  
 7 6363 North State Highway 161 Suite 450  
 8 Irving, Texas 75038  
 Telephone: (214) 237-9001  
 9 Facsimile: (214) 237-9002  
 jim@hop-law.com

10 *Attorneys for Conestoga Settlement Services, LLC,*  
 11 *Conestoga International, LLC, Conestoga Trust Services, LLC,*  
*and Michael McDermott*

12 **UNITED STATES DISTRICT COURT**  
 13 **FOR THE DISTRICT OF NEVADA**

14 KENNETH LANE, *et al.*,  
 15  
 16 Plaintiffs,

17 v.

18 CONESTOGA SETTLEMENT SERVICES,  
 LLC, *et al.*,  
 19 Defendants.

CASE NO. 2:20-cv-01716-APG-BNW

**JOINT MOTION TO EXCEED PAGE  
 LIMITS ON:**

- 20 **(1) CONESTOGA SETTLEMENT  
 SERVICES, LLC; CONESTOGA  
 21 INTERNATIONAL, LLC;  
 CONESTOGA TRUST SERVICES,  
 22 LLC; AND MICHAEL  
 MCDERMOTT’S OPPOSITION TO  
 23 PLAINTIFFS’ MOTION FOR  
 APPOINTMENT OF TEMPORARY  
 24 RECEIVER; AND**
- 25 **(2) PLAINTIFFS’ OPPOSITION TO  
 CONESTOGA SETTLEMENT SERVICES,  
 26 LLC; CONESTOGA INTERNATIONAL,  
 27 LLC; CONESTOGA TRUST SERVICES,  
 28 LLC; AND MICHAEL MCDERMOTT’S  
 MOTION TO DISMISS PURSUANT TO  
 RULE 12(B)(2) AND RULE 12(B)(6)**

Plaintiffs and Defendants Conestoga Settlement Services, LLC; Conestoga International,  
 LLC; Conestoga Trust Services, LLC; and Michael McDermott (collectively, the “Conestoga

Parties”), by and through their attorneys of record, hereby submit this Joint Motion to Exceed Page Limits on: (1) the Conestoga Parties Opposition to Plaintiffs’ Motion for Appointment of Temporary Receiver (ECF No. 41) (the “Motion to Appoint Temporary Receiver”); and (2) Plaintiffs’ Opposition to the Conestoga Parties’ Motion to Dismiss Pursuant to Rule 12(b)(2) and Rule 12(b)(6) (ECF No. 44) (the “Motion to Dismiss”). This Motion is made and based upon the following Memorandum of Points and Authorities, all papers and pleadings on file, and the argument of counsel at any hearing.

**MEMORANDUM OF POINTS AND AUTHORITIES**

1. On November 24, 2020, the Plaintiffs filed their Motion to Appoint Temporary Receiver. The Conestoga Parties will be filing an opposition to that Motion.

2. To fairly address all of the issues raised in the Motion to Appoint Temporary Receiver, an additional ten pages (beyond the 24 pages allowed by Local Rule 7-3) is necessary and thus requested by the Conestoga Parties. The Motion to Appoint Temporary Receiver raises a number of issues as to why a receiver should be appointed. The Motion to Appoint Temporary Receiver also attaches almost 900 pages of supporting exhibits related to over ninety different Plaintiffs. The Conestoga Parties need additional pages to be able to address the numerous factual assertions made in the Motion to Appoint Temporary Receiver and to refute the numerous legal grounds raised by Plaintiffs to support their request for the appointment of a receiver.

3. Also on November 24, 2020, the Conestoga Parties filed their Motion to Dismiss. The Plaintiffs will be filing an opposition to that Motion.

4. To fairly address all of the issues raised in the Motion to Dismiss, an additional six pages (beyond the 24 pages allowed by Local Rule 7-3) is necessary and thus requested by the Plaintiffs. The Motion to Dismiss includes over 30-pages<sup>1</sup> of argument and raises a number of issues as to why the Complaint should be dismissed based on both jurisdictional and substantive grounds.

5. Counsel for both Parties have conferred with each other regarding the relief sought herein and do not oppose the requests of either Party.

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<sup>1</sup> The Court previously approved the Conestoga Parties’ request for leave to file the Motion to Dismiss in excess of the page limits. (*See* ECF No. 46.)

6. The declaration of James C. Orr, Jr., counsel for the Conestoga Parties, is attached hereto as **Exhibit A** and offered in support of this Motion.

**CONCLUSION**

The Parties respectfully request that the Court grant leave for the Conestoga Parties to file their Opposition to the Motion to Appoint Temporary Receiver with an additional ten pages. The Parties further respectfully request that the Court grant leave for the Plaintiffs to file their Opposition to the Motion to Dismiss with six additional pages.

Dated: January 7, 2021

Dated: January 7, 2021

ARMSTRONG TEASDALE LLP

KING & DURHAM PLLC

By: /s/Brandon P. Johansson  
KEVIN R. STOLWORTHY, NV Bar 2798  
BRANDON P. JOHANSSON, NV Bar 12003  
3770 Howard Hughes Parkway Suite 200  
Las Vegas, Nevada 89169  
Phone: (702) 678-5070

By: /s/Adam Sanderson  
MATTHEW L. DURHAM, NV Bar 10342  
6385 S. Rainbow Blvd., Suite 220  
Las Vegas, Nevada 89118  
Phone: (702) 833-1100

JAMES C. ORR, *pro hac vice*  
HEYGOOD, ORR & PEARSON  
6363 North State Highway 161 Suite 450  
Irving, Texas 75038  
Phone: (214) 237-9001


ADAM SANDERSON, *pro hac vice*  
REESE MARKETOS LLP  
750 N. Saint Paul St., Suite 600  
Dallas, Texas 75201-3201  
Phone: (214) 382-9810

*Attorneys for Plaintiffs*

*Attorneys for Defendants Conestoga Settlement Services, LLC, Conestoga International, LLC, Conestoga Trust Services, LLC, and Michael McDermott*

**ORDER**

**IT IS SO ORDERED:**

  
UNITED STATES DISTRICT JUDGE

DATED: January 7, 2021

**CERTIFICATE OF SERVICE**

I hereby certify that on the 7<sup>th</sup> day of January, 2021, a true and correct copy of the foregoing was filed electronically via the Court's CM/ECF system. Notice of filing will be served on all parties by operation of the Court's EM/ECF system, and parties may access this filing through the Court's CM/ECF system.

/s/Sheila A. Darling

An employee of Armstrong Teasdale LLP

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# **Exhibit A**

**Declaration Of James C. Orr, Jr.**

# **Exhibit A**

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2 BRANDON P. JOHANSSON, ESQ./SBN 12003  
3 **ARMSTRONG TEASDALE LLP**  
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7 Facsimile: (702) 878-9995  
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CASE NO. 2:20-cv-01716-APG-BNW

**DECLARATION OF JAMES C. ORR,  
JR., IN SUPPORT OF JOINT MOTION  
TO EXCEED PAGE LIMITS**

21  
22 Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

23 1. My name is James C. Orr, Jr. I am over 21 years of age, of sound mind, and capable  
24 of making this declaration. I have never been convicted of a crime involving moral turpitude. The  
25 facts stated within this declaration are within my personal knowledge and are true and correct.

26 2. I am lead counsel in this action for Defendants Conestoga Settlement Services, LLC;  
27 Conestoga International, LLC; Conestoga Trust Services, LLC; and Michael McDermott  
28 (collectively, the “Conestoga Parties”).

