

1 MICHELLE D. ALARIE, ESQ.  
2 Nevada Bar No. 11894  
3 ARMSTRONG TEASDALE LLP  
3770 Howard Hughes Parkway, Suite 200  
3 Las Vegas, Nevada 89169  
4 Telephone: 702.678.5070  
4 Facsimile: 702.878.9995  
5 malarie@atllp.com

6 *Attorneys for Defendant Wyndham Vacation Resorts, Inc.*

7

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 JUDY SABELLA, individually, and TIMOTHY  
11 SABELLA, individually,

12 Plaintiffs,

13 vs.

14 WYNDHAM VACATION RESORTS, INC.;  
14 JOHN DOES 1-50, and ROE  
15 CORPORATIONS 1-15, inclusive,

16 Defendants.

Case No.: 2:21-cv-01016-GMN-DJA

**STIPULATION AND ~~PROPOSED~~  
ORDER TO EXTEND DEFENDANT'S  
DEADLINE TO RESPOND TO  
COMPLAINT**

**(FIRST REQUEST)**

17 Defendant, Wyndham Vacation Resorts, Inc. ("Wyndham"), by and through its counsel,  
18 Armstrong Teasdale LLP, and Plaintiffs Judy Sabella and Timothy Sabella (collectively,  
19 "Plaintiffs"), by and through their counsel, Albright, Stoddard, Warnick & Albright, hereby stipulate  
20 and agree pursuant to Fed. R. Civ. P. 6 and Local Rule LR IA 6-1 and subject to this Court's  
21 approval, to extend the deadline for Wyndham to respond to Plaintiff's Complaint (ECF No. 1, at  
22 Exhibit A), from June 3, 2021, to June 18, 2021. As set forth below, good cause exists to extend  
23 Wyndham's deadline to respond to the Complaint to June 18, 2021. This is the first request to  
24 extend this deadline.

25 On April 19, 2021, Plaintiffs filed their Complaint against Wyndham in the Eighth Judicial  
26 District Court, Clark County, Nevada. (ECF No. 1.) Wyndham received a copy of the Summons  
27 and Complaint on April 28, 2021. (*Id.*) Anticipating the need for additional time to assess  
28 arbitration issues and to gather documents and facts to respond to the Complaint, Wyndham

1 requested an extension to June 18, 2021, to respond to the Complaint. Plaintiffs agreed, and the  
2 deadline to respond to the Complaint was June 18, 2021.

3 However, on May 27, 2021, Wyndham timely removed this action to this Court. (*Id.*)  
4 Although the parties are in agreement that Wyndham's response deadline is not until June 18, 2021,  
5 Fed. R. Civ. P. 81(c)(2) provides that “[a] defendant who did not answer before removal must  
6 answer or present other defenses or objections under these rules within . . . (C) 7 days after the notice  
7 of removal is filed.” That deadline would be June 3, 2021. Accordingly, out of an abundance of  
8 caution, the parties submit this stipulation and agree that Wyndham may have up to and including  
9 June 18, 2021, to respond to the Complaint.

10 There exists good cause to allow Wyndham additional time to respond to the Complaint. The  
11 parties are currently negotiating a stipulation to stay this action and compel arbitration with the AAA  
12 as provided for in the contract between them. The parties anticipate submitting that stipulation in the  
13 coming days. Should this matter be compelled to arbitration, Wyndham will not be required to file a  
14 response in this forum, therefore, granting this stipulation conserves resources. In addition,  
15 Wyndham requires additional time to gather the documents and facts so that it can adequately  
16 respond to the Complaint. Plaintiffs agree to the extension of the response deadline.

17 This request is made in good faith and is not intended to unreasonably delay this matter. In  
18 particular, this case was only recently filed and removed to this Court. The parties have not yet held  
19 their case conference under Fed. R. Civ. P. 26(f).

20       ///

21       ///

22       ///

23       ///

24       ///

25       ///

26       ///

27       ///

28       ///

1       Based on the foregoing, the parties respectfully request that this Court extend Wyndham's  
2 deadline to respond to the Complaint to June 18, 2021.

3       Dated this 2nd day of June, 2021.

4       **ARMSTRONG TEASDALE LLP**

5  
6       By: /s/ Michelle D. Alarie  
7           MICHELLE D. ALARIE, ESQ.  
8           Nevada Bar No. 11894  
9           3770 Howard Hughes Parkway, Suite 200  
10          Las Vegas, Nevada 89169

11  
12          *Attorneys for Defendant Wyndham Vacation  
13          Resort, Inc.*

14       Dated this 2nd day of June, 2021.

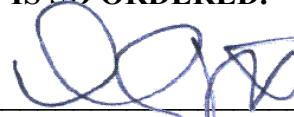
15       **ALBRIGHT, STODDARD, WARNICK &  
16          ALBRIGHT**

17       By: /s/ Jorge L. Alvarez  
18           G. MARK ALBRIGHT, ESQ.  
19           Nevada Bar No. 001394  
20           JORGE L. ALVAREZ, ESQ.  
21           Nevada Bar No. 014466  
22           801 South Rancho Drive, Suite D-4  
23          Las Vegas, Nevada 89106

24          *Attorneys for Plaintiffs Judy Sabella and  
25          Timothy Sabella*

26       **ORDER**

27       **IT IS SO ORDERED.**

28         
          \_\_\_\_\_  
          DANIEL J. ALBREGTS  
          UNITED STATES MAGISTRATE JUDGE

29       DATED: June 3, 2021