

1 Rory T. Kay (NSBN 12416)
John A. Fortin (NSBN 15221)
2 Tara U. Teegarden (NSBN 15344)
McDONALD CARANO LLP
3 2300 West Sahara Avenue, Suite 1200
Las Vegas, Nevada 89102
4 Telephone: (702) 873-4100
rkay@mcdonaldcarano.com
5 jfortin@mcdonaldcarano.com
tteegarden@mcdonaldcarano.com
6

7 *Attorneys for Defendant TMIF II Portola, LLC*

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA
ex rel. PEGGY THORNTON, Relator,

11 and

12 PEGGY THORNTON,

13 Plaintiffs,

14 vs.

15 PORTOLA DEL SOL OPERATOR, LLC,
16 14 a foreign limited-liability company;
17 TMIF II PORTOLA, LLC, a foreign limited-
18 15 liability company; APARTMENT
19 MANAGEMENT CONSULTANTS, LLC,
20 16 a foreign limited liability company, and
21 RENE RICHARDSON, as AGENT of
17 PORTOLA DEL SOL OPERATOR, LLC.,

Defendants.

Case No.: 2:21-cv-01123-APG-BNW

**STIPULATION AND ORDER TO
EXTEND DEADLINE FOR TMIF
PORTOLA, LLC TO FILE REPLY IN
SUPPORT OF MOTION TO DISMISS
FOR FAILURE TO STATE A CLAIM
FOR RELIEF [ECF 38] AND
APARTMENT MANAGEMENT
CONSULTANTS, LLC TO FILE
RESPONSIVE PLEADING TO
COMPLAINT**

[First Request]

22 Defendants TMIF II Portola, LLC (“TMIF”) and Apartment Management Consultants, LLC
23 (“AMC”) and Plaintiff Peggy Thornton (“Thornton”), by and through their attorneys, hereby agree,
24 stipulate, and respectfully request that the Court extend the deadline for TMIF to file the Reply in
25 Support of its Motion to Dismiss for Failure to State a Claim for Relief (“Reply”) from May 25, 2023,
26 up to and including June 8, 2023, and to extend the deadline for AMC to file its responsive pleading
27 to Thornton’s Complaint (“Complaint”) from May 25, 2023, up to and including June 8, 2023.

28 ///

McDONALD CARANO

2300 WEST SAHARA AVENUE, SUITE 1200 • LAS VEGAS, NEVADA 89102
PHONE 702.873.4100 • FAX 702.873.9966

1 This is the first joint request whereby TMIF requests additional time to file its Reply in
2 Support of its Motion to Dismiss, and AMC’s request additional time to extend the deadline to file its
3 responsive pleadings to Thornton’s Complaint.¹ This joint request for an extension of time is not
4 intended to cause any undue delay or prejudice to any party.

5 In support of this Stipulation, the parties state as follows:

6 1. On June 14, 2021, Thornton filed this action under seal in the United States District
7 Court for the District of Nevada, asserting a single claim for alleged violations of the False Claims
8 Act. (ECF No. 1).

9 2. The parties thereafter *separately* agreed to extend the deadlines for TMIF and AMC
10 to respond to Thornton’s Complaint.

11 3. On March 23, 2023, TMIF filed its Motion to Dismiss for Failure to State a Claim for
12 Relief. (ECF No. 38).

13 4. On April 6, 2023, Thornton filed her Opposition to TMIF’s Motion to Dismiss for
14 Failure to State a Claim for Relief (“Opposition”). (ECF No. 42).

15 5. To date, AMC has not responded to Thornton’s Complaint.

16 6. AMC and TMIF are discussing the possibility of a potential global resolution of this
17 matter and need additional time to determine the feasibility of a global resolution.

18 7. This is TMIF and AMC’s first joint request to for an extension of time to respond to
19 the parties’ respective pleadings. This request is in good faith and not for the purposes of delay, and
20 the requested extension will not prejudice any party.

21 8. The parties stipulate and request that the Court extend the deadline for TMIF to file
22 the Reply in Support of its Motion to Dismiss for Failure to State a Claim for Relief from May 25,
23 2023, up to and including June 8, 2023.

24 ///

25 ///

26 _____
27 ¹ Separately, TMIF has made two other requests to file its Reply. *See* ECF Nos. 45 and 47.
28 Similarly, AMC made six separate requests to extend the deadline to file its responsive pleading.
see ECF Nos. 22, 24, 36, 40, 43, and 49.

1 9. The parties further stipulate and request that the Court extend the deadline for AMC
2 to file its responsive pleading to Thornton’s Complaint from May 25, 2023, up to and including
3 June 8, 2023.

4 Therefore, the parties hereby stipulate to extend the deadline for TMIF to file the Reply from
5 May 25, 2023, up to and including June 8, 2023, and to extend the deadline for AMC to file its
6 responsive pleading to Thornton’s Complaint from May 25, 2023, up to and including June 8,
7 2023.

8 DATED this 22nd day of May, 2023.

9 NEVADA LEGAL SERVICES, INC.

McDONALD CARANO LLP

11 By: /s/ Elizabeth S. Carmona
12 Elizabeth S. Carmona (NSBN 14687)
13 Kristopher Pre (NSBN 14106)
14 530 S. 6th St.
15 Las Vegas, Nevada 89101

By: /s/ Tara U. Teegarden
Rory T. Kay (NSBN 12416)
John A. Fortin (NSBN 15221)
Tara U. Teegarden (NSBN 15344)
2300 West Sahara Avenue, Suite 1200
Las Vegas, Nevada 89102

Attorneys for Plaintiffs


Attorneys for Defendant TMIF II Portola, LLC

17 SNELL & WILMER L.L.P.

18 By: /s/ Kelly H. Dove
19 Kelly H. Dove (NSBN 10569)
20 Gil Kahn (NSBN 14220)
21 3883 Howard Hughes Parkway
22 Suite 1100
23 Las Vegas, NV 89169

*Attorneys for Defendant Apartment
Management Consultants, LLC*

IT IS SO ORDERED.

26 
27 _____
UNITED STATES DISTRICT JUDGE

28 DATED: May 23, 2023

McDONALD CARANO
2300 WEST SAHARA AVENUE, SUITE 1200 • LAS VEGAS, NEVADA 89102
PHONE 702.873.4100 • FAX 702.873.9966