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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 SFR INVESTMENTS POOL 1, LLC,
13 Plaintiff,

14 vs.

15 NEWREZ LLC D/B/A SHELLPOINT
MORTGAGE SERVICING; DOES I through X;
16 ROE BUSINESS ENTITIES I through X,
inclusive,

17 Defendants.
18

19 NEWREZ LLC D/B/A SHELLPOINT
MORTGAGE SERVICING,

20 Counterclaimant,

21 v.

22 SFR INVESTMENTS POOL 1, LLC,

23 Counter-Defendant.
24

Case No.: 2:22-cv-00626-GMN-EJY

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

(SECOND REQUEST)

25 NewRez, LLC dba Shellpoint Mortgage Servicing and SFR Investments Pool 1, LLC, hereby
26 respectfully submit this stipulation and order to extend the close of discovery set forth in the court
27 minutes entered on February 27, 2023 [ECF No. 67], pursuant to LR 26-3 and LR IA 6-1.

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1 **I. INTRODUCTION.**

2 SFR is the current record owner of property located at 6451 Hamilton Grove Avenue, Las
3 Vegas, Nevada 89122 (**the property**). SFR entered the highest bid at an HOA foreclosure sale on
4 October 19, 2012. Shellpoint's predecessor, Ditech Financial LLC, and Federal National Mortgage
5 Association (**Fannie Mae**) as well as its conservator initiated a prior quiet title action concerning the
6 validity of the deed of trust in December 2015. This court granted summary judgment against SFR
7 in March 2019, and the Ninth Circuit affirmed the following year, in June 2020.

8 SFR initiated this action on April 14, 2022 [ECF No. 1]. SFR claims the deed of trust
9 extinguished under NRS 106.240 and further claims that Shellpoint violated NRS 107.200 *et seq.*
10 *Id.* Shellpoint filed its answer, affirmative defenses, and counterclaims on June 21, 2022 [ECF No.
11 15]. Shellpoint generally denies the allegations in SFR's complaint. Shellpoint contends its property
12 interest remains superior to any property interest SFR claims. Shellpoint asserts the following
13 counterclaims: (1) quiet title/declaratory relief; (2) tortious interference with contractual relations;
14 (3) abuse of process; (4) slander of title; (5) equitable lien – in the alternative.

15 **II. STATEMENT SPECIFYING THE DISCOVERY COMPLETED.**

16 On July 18, 2022, the court entered a stipulated discovery plan and scheduling order [ECF
17 No. 24]. On October 12, 2022, the court extended the expert disclosure deadlines [ECF No. 32]. On
18 December 1, 2022, the court extended the discovery deadline and the rebuttal expert disclosure
19 deadline [ECF No. 34]. On February 27, 2023, the court granted Shellpoint's motion to extend
20 discovery deadlines and set the following deadlines [ECF No. 67]:

- 21 (a). Discovery cut off: May 18, 2023.
22 (b). Last date to file dispositive motions: June 19, 2023.
23 (c). Pre-trial order: July 19, 2023.

24 The following discovery has been completed:

- 25 1. Shellpoint served its initial disclosures on July 28, 2022.
26 2. SFR served its initial disclosures on July 28, 2022.
27 3. Shellpoint served its first set of requests for production of documents and first set of
28 interrogatories to SFR on October 12, 2022.

1 4. Shellpoint noticed the deposition of SFR's Rule 30(b)(6) witness for December 8,
2 2022 on October 26, 2022.

3 5. SFR served its initial expert disclosure on November 10, 2022.

4 6. SFR served its first set of requests for admission, first set of requests for production
5 of documents and first set of interrogatories to Shellpoint on November 10, 2022.

6 7. SFR served its first supplement to initial disclosures on November 17, 2022.

7 8. SFR served its responses to Shellpoint's first set of requests for production of
8 documents and first set of interrogatories on November 17, 2022.

9 9. Shellpoint served its second set of requests for production of documents to SFR on
10 November 18, 2022.

11 10. Shellpoint served its first supplement to initial disclosures on December 9, 2022.

12 11. Shellpoint served its responses to SFR's requests for admission, responses to SRF's
13 requests for production of documents, and responses to SFR's interrogatories on December 9, 2022.

14 12. Shellpoint re-noticed the deposition of SFR Rule 30(b)(6) witness for January 26,
15 2023 on December 15, 2022.

16 13. Shellpoint noticed the deposition of SFR's expert witness for January 17, 2023 on
17 December 16, 2022.

18 14. Shellpoint served its rebuttal expert disclosure on December 19, 2022.

19 15. SFR served its supplemental answers to Shellpoint's interrogatories on December 21,
20 2022.

21 16. SFR noticed the deposition of Shellpoint's Rule 30(b)(6) witness for January 23, 2023
22 on December 28, 2022.

23 17. SFR served its responses to Shellpoint's second set of requests for production of
24 documents on January 13, 2023.

25 18. Shellpoint re-noticed the deposition of SFR's expert witness for February 10, 2023 on
26 January 17, 2023. The parties have agreed that Shellpoint may proceed with the deposition of SFR's
27 expert witness on May 26, 2023.

28 19. Shellpoint served its second supplement to initial disclosures on January 20, 2023.

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1 20. SFR re-noticed the deposition of Shellpoint's Rule 30(b)(6) witness for February 17,
2 2023 on January 23, 2023.

3 21. SFR served Bank of America, N.A. successor by merger to BAC Home Loans
4 Servicing, LP fka Countrywide Home Loans Servicing, LP (**BANA**) with a subpoena duces tecum
5 on January 24, 2023.

6 22. Shellpoint re-noticed the deposition of SFR's Rule 30(b)(6) witness for February 16,
7 2023, on January 25, 2023.

8 23. SFR served its first supplemental expert witness disclosure on February 1, 2023.

9 24. SFR re-noticed the deposition of Shellpoint's Rule 30(b)(6) witness for April 28, 2023
10 on March 8, 2023.

11 25. Shellpoint served its first supplemental rebuttal expert disclosure on April 7, 2023.

12 26. SFR re-noticed the deposition of Shellpoint's Rule 30(b)(6) witness for May 9, 2023
13 on April 24, 2023.

14 27. Shellpoint re-noticed the deposition of SFR's Rule 30(b)(6) witness for May 15, 2023,
15 on April 27, 2023.

16 **III. SPECIFIC DESCRIPTION OF THE DISCOVERY THAT HAS NOT BEEN COMPLETED.**

- 17 (a) Shellpoint's deposition of the SFR's Rule 30(b)(6) witness.
18 (b) Shellpoint's deposition of SFR's expert witness.
19 (c) SFR's deposition of Shellpoint's Rule 30(b)(6) witness.
20 (d) BANA's production of documents pursuant to subpoena¹

21 Shellpoint reserves the right to notice the deposition of Christopher Hardin should the need
22 arise. SFR reserves the right to object and has already voiced its objection informally via email
23 correspondence. The parties reserve the right to participate in any additional discovery during the
24 time frames outlined below should the need arise.

25 _____
26 ¹ SFR moved to compel production by BANA. ECF No. 73. BANA agreed to produce the documents, and
27 SFR and BANA stipulated to extend the deadline for BANA to respond to SFR's motion while SFR and
28 BANA agreed to a protective order. ECF No. 77. Shellpoint opposed SFR's motion, taking the position that
the court should not compel disclosure or enter a stipulated protective order. ECF No. 78. SFR replied in
support of its motion and responded to Shellpoint's position therein. ECF No. 79. Thereafter, Shellpoint
refused to sign the protective order SFR and BANA agreed upon, and now BANA is seeking a protective
order so it can produce documents responsive to the subpoena. ECF No. 83. The parties dispute whether
production is appropriate.

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IV. REASON WHY EXTENSION IS REQUIRED.

Discovery closes on May 18, 2023. The parties have participated in discovery in good faith during the current discovery period. Additional time is needed to conduct the deposition of SFR's expert, who is not available prior to the close of discovery on May 18, 2023, and for Shellpoint to determine whether a deposition of Christopher Hardin, or any other further discovery, is necessary and seek a further extension as needed. For these reasons, good cause exists for the parties' requested extension. The parties request a twenty-two (22) day extension of the discovery deadline to allow for full discovery. The parties are requesting an extension one day after the expiration of the 21-day cutoff. Excusable neglect exists because the parties only recently agreed to the discovery extension requested herein, and SFR's counsel was out of the office on the day of the deadline and thus unable to fully review and respond to the proposed stipulation and order sent that day. Counsel for the parties then discussed, finalized, and agreed upon the language herein.

V. PROPOSED NEW SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY.

The parties agree that discovery will be extended twenty-two (22) days, and the scheduling order deadlines will be extended to the following:

- (a) Discovery cut off: **June 9, 2023.**
- (b) Last date to file dispositive motions: **July 10, 2023.**²
- (c) Pre-trial order: **August 9, 2023.**

DATED this 1st day of May, 2023.


<p>AKERMAN LLP</p> <p><u>/s/ Paige L. Magaster</u> ARIEL E. STERN, ESQ. Nevada Bar No. 8276 MELANIE D. MORGAN, ESQ. Nevada Bar No. 8215 PAIGE L. MAGASTER, ESQ. Nevada Bar No. 15557 1635 Village Center Circle, Suite 200 Las Vegas, Nevada 89134 Attorneys for NewRez LLC dba Shellpoint Mortgage Servicing</p>	<p>HANKS LAW GROUP</p> <p><u>/s/ Karen L. Hanks</u> KAREN L. HANKS, ESQ. Nevada Bar No. 9578 CHANTEL M. SCHIMMING, ESQ. Nevada Bar No. 8886 7625 Dean Martin Drive, Suite 110 Las Vegas, Nevada 89139 Attorneys for SFR Investments Pool 1, LLC</p>
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² The date occurring 30 days after the discovery cut-off falls on Sunday, July 9, 2023. The parties agree to move this deadline to the following business day.

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ORDER

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE
Case No. 2:22-cv-00626-GMN-EJY

DATED: May 1, 2023