

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WELLS FARGO BANK, N.A., as Indenture
Trustee for the Registered Holders of IMH
ASSETS CORP., Collateralized Asset-Backed
Bonds, Series 2004-11,

Plaintiffs,

vs.

THE SKY VISTA HOMEOWNERS
ASSOCIATION; AIRMOTIVE
INVESTMENTS, LLC, a Nevada limited
liability company; DOE INDIVIDUALS I-X
inclusive, and ROE CORPORATIONS I-X,
inclusive,

Defendants.

Case No. 3:15-cv-00390-RCJ-VPC
USCA No. 17-15977

**ORDER TO CONTINUE TRIAL
DATE**

(First Request)



3960 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169

19 COME NOW Defendant THE SKY VISTA HOMEOWNERS ASSOCIATION (“Sky
20 Vista”), Defendant AIRMOTIVE INVESTMENTS, LLC (“Airmotive”), and Plaintiff WELLS
21 FARGO BANK, N.A., AS TRUSTEE (“Wells Fargo”), by and through their undersigned counsel,
22 and hereby stipulate and request to continue the jury trial currently set to begin on July 20, 2020
23 at 8:30 a.m. The grounds for the Parties’ stipulation and request are as follows:

- 24 1. A three-day jury trial is set to begin on July 20, 2020 at 8:30 a.m.
- 25 2. There are currently two outstanding Motions for Summary Judgment.
- 26 3. On December 12, 2019, Airmotive filed its Motion for Summary Judgment (ECF
27 79) (“Airmotive’s MSJ”).
- 28 4. On January 17, 2020, Wells Fargo filed its Opposition to Airmotive’s MSJ (ECF

1 84).

2 5. On January 31, 2020, Airmotive filed its Reply in Support of Airmotive’s MSJ
3 (ECF 89).

4 6. The Court has not rendered a decision on Airmotive’s MSJ.

5 7. On December 13, 2019, Wells Fargo filed its Second Motion for Summary
6 Judgment (ECF 80) (“Wells Fargo’s MSJ”).

7 8. On January 17, 2020, both Sky Vista and Airmotive filed oppositions to Wells
8 Fargo’s MSJ. *See* ECF 83 and 85.

9 9. On January 31, 2020, Wells Fargo filed its Reply in support of Wells Fargo’s MSJ
10 (ECF 88).

11 10. The Court has not rendered a decision on Wells Fargo’s MSJ.

12 11. On March 13, 2020, Wells Fargo filed its Motion for Leave to File Supplemental
13 Authority Supporting its Motion for Partial Summary Judgment (“Suppl. Authority Motion”) (ECF
14 91).

15 12. On March 27, 2020 both Sky Vista and Airmotive filed Oppositions to Wells
16 Fargo’s Suppl. Authority Motion. *See* ECF 92 and 93.

17 13. The Court has not rendered a decision on Wells Fargo’s Suppl. Authority Motion.

18 14. The precautions surrounding COVID-19 outbreak make it unlikely a jury can be
19 impaneled for a July 20, 2020 trial. *See* April 9, 2020 Amended Temporary General Order 2020-
20 03.

21 **Stipulation and Request**

22 In light of the above, the Parties stipulate to and request that:

- 23 1. The July 20, 2020 jury trial be vacated, and
24 2. A new three-day jury trial date be set for a time that the Court will likely be able
25 to impanel a jury and after the Court renders its decision on Airmotive’s MSJ, Wells Fargo’s
26 MSJ, and Wells Fargo’s Suppl. Authority Motion.

27 This Stipulation is made in good faith, not for purposes of delay, but for the purposes of
28 narrowing the issues for trial, judicial economy, and focusing the Parties’ trial-preparation



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

resources.

DATED this 9th day of June 2020.

TYSON & MENDES LLP

ROGER P. CROTEAU & ASSOC., LTD.

/s/ Christopher A. Lund

/s/ Timothy E. Rhoda

THOMAS E. MCGRATH

TIMOTHY E. RHODA, ESQ.

Nevada Bar No. 7086

Nevada Bar No. 7878

CHRISTOPHER A. LUND

9120 West Post Road, Suite 100

Nevada Bar No. 12435

Las Vegas, Nevada 89148

3960 Howard Hughes Parkway, Suite 600

Tel: (702) 254-7775

Las Vegas, Nevada 89169

Attorney for Defendant Airmotive Investments,

Tel: (702) 724-2648

LLC

Attorneys for Defendant The Sky Vista HOA

AKERMAN LLP

/s/ Jamie K. Combs

ARIEL E. STERN

Nevada Bar No. 8276

JAMIE K. COMBS

Nevada Bar No. 13088

1635 Village Center Circle, Suite 200

Las Vegas, NV 89134

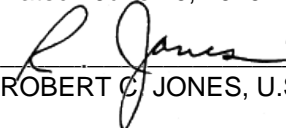
Tel: (702) 634-5000

Attorneys for Plaintiff Wells Fargo

IT IS ORDERED that the Calendar Call currently scheduled for 7/6/2020 and Jury Trial currently scheduled for 7/20/20 are hereby vacated and reset as follows: Calendar Call is set for Tuesday 9/8/2020 at 10:00 a.m. in Reno Courtroom 3. Jury Trial is set for Monday, 9/21/2020 at 8:30 a.m. in Reno Courtroom 3.

IT IS SO ORDERED.

Dated: June 10, 2020.


ROBERT C. JONES, U.S. DISTRICT JUDGE



3960 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169