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*fka The Bank of New York as Trustee for the*  
 9 *Certificateholders CWALT, Inc., Alternative*  
*Loan Trust 2005-3CB Mortgage Pass-Through*  
 10 *Certificates, Series 2005-3CB*

11 **UNITED STATES DISTRICT COURT**  
 12 **DISTRICT OF NEVADA**

13  
 14 THE BANK OF NEW YORK MELLON FKA  
 15 THE BANK OF NEW YORK AS TRUSTEE  
 16 FOR THE CERTIFICATEHOLDERS CWALT,  
 17 INC., ALTERNATIVE LOAN TRUST 2005-  
 3CB MORTGAGE PASS-THROUGH  
 CERTIFICATES, SERIES 2005-3CB,

Case No. 3:16-cv-00436-RCJ-WGC

**STIPULATION AND ORDER TO  
 EXTEND DEADLINE TO FILE JOINT  
 PRETRIAL ORDER**

18 Plaintiff,

**(FIRST REQUEST)**

19 v.

20 HIGHLAND RANCH HOMEOWNERS  
 21 ASSOCIATION; KERN & ASSOCIATES,  
 LTD; TBR I, LLC; AIRMOTIVE  
 22 INVESTMENTS LLC; DOE INDIVIDUALS I-  
 X, inclusive, and ROE CORPORATIONS I-X,  
 inclusive,

23 Defendants.

24  
 25 The Bank of New York Mellon fka The Bank of New York as Trustee for the  
 26 Certificateholders CWALT, Inc., Alternative Loan Trust 2005-3CB Mortgage Pass-Through  
 27 Certificates, Series 2005-3CB (**BoNYM**) and Highland Ranch Homeowners Association (**Highland**

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1 **Ranch**), by and through their respective counsel, hereby stipulate and agree to extend the deadline to  
2 file a joint pretrial order by thirty (30) days, to **September 8, 2020**.

3 The Court entered an order granting in part and denying in part Highland Ranch's motion for  
4 summary judgment on July 8, 2020, finding BoNYM's claim for deceptive trade practices against  
5 Highland Ranch survived summary judgment and remained pending for trial. (ECF No. 116). Based  
6 on this order, the deadline to file a joint pretrial order is currently August 7, 2020. The parties are  
7 working on a draft joint pretrial order but require additional time to fully and accurately complete  
8 their respective portions. Further, the parties are currently engaged in settlement negotiations, which  
9 if successful would resolve the remaining claim for trial. The parties therefore request additional  
10 time to submit a joint pretrial order, which will allow the parties to continue working towards a  
11 potential resolution.

12 This is the parties' first request to extend the joint pretrial order deadline. This request is not  
13 made to cause delay or prejudice to any party.

14 DATED this 6<sup>th</sup> day of August, 2020

<p>15 <b>AKERMAN LLP</b></p> <p>16 <u>/s/ Nicholas E. Belay</u></p> <p>17 NATALIE L. WINSLOW, ESQ. Nevada Bar No. 12125 18 NICHOLAS E. BELAY, ESQ. Nevada Bar No. 15175 19 1635 Village Center Circle, Suite 200 Las Vegas, NV 89134</p> <p>20 <i>Attorneys for The Bank of New York Mellon 21 fka The Bank of New York as Trustee for the 22 Certificateholders CWALT, Inc., Alternative 23 Loan Trust 2005-3CB Mortgage Pass-Through Certificates, Series 2005-3CB</i></p>	<p><b>LAXALT &amp; NOMURA, LTD.</b></p> <p><u>/s/ Ryan W. Leary</u></p> <p>HOLLY S. PARKER, ESQ. Nevada Bar No. 10181 RYAN W. LEARY, ESQ. Nevada Bar No. 11630 9790 Gateway Drive, Suite 200 Reno, NV 89511</p> <p><i>Attorneys for Highland Ranch Homeowners Association</i></p>
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24 **COURT APPROVAL**

25 IT IS SO ORDERED.

26 Dated: August 17, 2020.

27   
28 UNITED STATES MAGISTRATE JUDGE  
Case No. 3:16-cv-00436-RCJ-WGC