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

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

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,

18 Plaintiff,

19 v.

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

23 Defendants.

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

24 **STIPULATION AND ORDER TO**  
25 **EXTEND DEADLINE TO FILE JOINT**  
26 **PRETRIAL ORDER**

27 **(SECOND REQUEST)**

24 The Bank of New York Mellon fka The Bank of New York as Trustee for the  
25 Certificateholders CWALT, Inc., Alternative Loan Trust 2005-3CB Mortgage Pass-Through  
26 Certificates, Series 2005-3CB (**BoNYM**) and Highland Ranch Homeowners Association (**Highland**  
27 **Ranch**), by and through their respective counsel, hereby stipulate and agree to extend the deadline to  
28 file a joint pretrial order by fourteen (14) days, to **September 22, 2020**.

1 The Court entered an order granting in part and denying in part Highland Ranch's motion for  
2 summary judgment on July 8, 2020, finding BoNYM's claim for deceptive trade practices against  
3 Highland Ranch survived summary judgment and remained pending for trial. (ECF No. 116). Based  
4 on this order, and the parties' first stipulation to extend the joint pretrial order deadline, the current  
5 deadline to file a joint pretrial order is September 8, 2020.

6 The parties continue to work on a draft joint pretrial order but require additional time to fully  
7 and accurately complete their respective portions. Further, the parties remain engaged in settlement  
8 negotiations, which if successful would resolve the remaining claim for trial. The parties therefore  
9 request a two-week extension to submit a joint pretrial order, which will allow the parties to continue  
10 working towards a potential resolution.

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

13 DATED this 4<sup>th</sup> day of September, 2020

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21 **COURT APPROVAL**

22 IT IS SO ORDERED. Dated:  
23 September 8, 2020.

24 *William G. Cobb*  
25 \_\_\_\_\_  
26 UNITED STATES MAGISTRATE JUDGE  
27 Case No. 3:16-cv-00436-RCJ-WGC  
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