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9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

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

17 Plaintiff,

18 v.

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

25 Defendants.

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

**STIPULATION AND ORDER TO
EXTEND DEADLINE FOR
DEFENDANT GAYLE A. KERN,
LTD., dba KERN & ASSOCIATES,
LTD., TO ANSWER OR
OTHERWISE RESPOND TO
PLAINTIFF'S COMPLAINT**

(First Request)

26 ***IT IS HEREBY STIPULATED*** between Plaintiff, The Bank of New York Mellon fka
27 The Bank of New York as Trustee for the Certificate Holders CWALT, Inc. Alternative Loan
28 Trust 2005-3CB Mortgage Pass-Through Certificates, Series 2005-3CB (“BNY”), by and
through its attorneys of record, Akerman, LLP, and Defendant, Gayle A. Kern, Ltd., dba Kern
& Associates, Ltd. (“Kern”), by and through its counsel Leach Kern Gruchow Anderson Song

1 to extend the deadline for Kern to answer or otherwise responds to BNY's Complaint from
2 September 20, 2019 up to and including November 5, 2019.

3 This matter was remanded to this Court by the Ninth Circuit Court of Appeals for
4 further proceedings on July 19, 2019 (*see* DE 67). A Status Conference was held before this
5 Court on September 16, 2019 at 10:00 a.m., wherein the Court set the date of September 20,
6 2019 for Highland Ranch Homeowners Association and Kern to respond to BNY's Complaint.

7
8 BNY and Kern (collectively, the "Parties") hereby stipulate to extend the date for Kern
9 to file an answer or otherwise respond to BNY's Complaint up-to-and-including November 5,
10 2019. Good cause exists for this requested extension to allow the Parties to conduct scheduled
11 discovery during the month of October, further evaluate the issues on remand, and discuss
12 narrowing issues and/or potential dismissal of claims without expenditure of additional time,
13 resources, and expense of the Parties, and potentially the Court. It is respectfully requested,
14 therefore, that the Court approve this Stipulation and extend the date to November 5, 2019 for
15 Kern to answer or otherwise respond to BNY's Complaint.
16
17

18 This is the first request for an extension of time, upon remand, for Kern to file its answer
19 or otherwise to respond to BNY's Complaint, and it is not intended to cause any delay or
20 prejudice to any party.

21 DATED this 19th day of September, 2019.

DATED this 19th day of September, 2019.

22 **LEACH KERN GRUCHOW**
23 **ANDERSON SONG**

AKERMAN, LLP

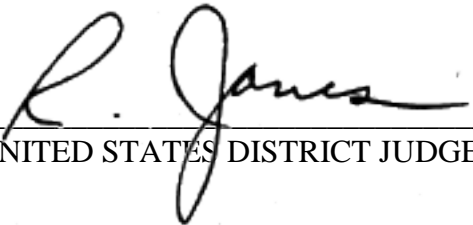
24 /s/ Karen M. Ayarbe, Esq.
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Attorneys for Plaintiff

ORDER

IT IS SO ORDERED.

DATED this 20th day of September, 2019.


UNITED STATES DISTRICT JUDGE

Respectfully Submitted By:
/s/ Karen M. Ayarbe, Esq.
KAREN M. AYARBE, ESQ.