

1 G. DAVID ROBERTSON, ESQ. (NV Bar 1001)
 KIRK C. JOHNSON, ESQ. (NV Bar 4299)
 2 Robertson, Johnson, Miller & Williamson
 50 West Liberty Street, Suite 600
 3 Reno, Nevada 89501
 Telephone No.: (775) 329-5600
 4 Facsimile No.: (775) 348-8300
gdavid@nvlawyers.com
kirk@nvlawyers.com
 5 Attorneys for Defendant/Counterclaimant ICON RENO
 6 PROPERTY OWNER POOL 3 NEVADA, LLC

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 8 **UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**

10 MFR HOLDCO, LLC, a foreign limited
 liability company,

Case No. 3:18-cv-00034-MMD-WGC

11 Plaintiff,

12 vs.

13 ICON RENO PROPERTY OWNER POOL 3
 14 NEVADA, LLC, a foreign limited liability
 Company,

15 Defendants.

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 17 ICON RENO PROPERTY OWNER POOL 3
 NEVADA, LLC, a foreign limited liability
 Company,

18 Counterclaimant.

19 vs.

20 MFR HOLDCO, LLC.; ACH FOAM
 TECHNOLOGIES, INC.; FRANK
 21 KIESECKER, JR., individually; RICHARD L.
 WALLER, individually; MICHAEL S.
 22 HUEMPFNER, individually,

23 Counterdefendants.

24
 25 **STIPULATION FOR EXTENSION OF TIME TO RESPOND TO**
 26 **MOTION TO DISMISS COUNTERCLAIM**
 (FIRST REQUEST)

27 **WHEREAS**, Counterdefendants Kiesecker, Waller and Huempfnr filed a Motion to
 28 Dismiss Counterclaim (ECF 52) on February 26, 2019 (“the Motion”);

STIPULATION FOR EXTENSION OF TIME TO RESPOND TO MOTION TO DISMISS COUNTERCLAIM
 (FIRST REQUEST)

PAGE 1

1 **WHEREAS**, Counterclaimant's opposition to the Motion is currently due on or before
2 March 12, 2019;

3 **WHEREAS**, the parties participated in a mediation on March 4, 2019, and reached a
4 tentative settlement of the action;

5 **WHEREAS**, the parties are working to finalize that tentative settlement;

6 **WHEREAS**, the settlement will obviate the need for Counterclaimant to file an
7 opposition to the Motion; and

8 **WHEREAS**, the parties agree that the Counterclaimant should not be required to expend
9 time and money opposing the Motion if the parties can finalize their settlement, such that an
10 extension of time for Counterclaimant to file said opposition, while the parties work to finalize
11 their settlement, makes good sense,

12 **IT IS HEREBY STIPULATED AND AGREED** by and between the undersigned, that
13 Counterclaimant Icon Reno Property Owner Pool 3 Nevada, LLC shall have to and including
14 March 26, 2019, to file its opposition to Plaintiff's Motion to Dismiss Counterclaim in this
15 action.

16 **IT IS SO STIPULATED:**

17 DATED: March 11, 2019

DATED: March 11, 2019.

18 HOLLAND & HART LLP

ROBERTSON, JOHNSON
MILLER & WILLIAMSON

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20 By: /s/ Matthew B. Hippler
21 Matthew B. Hippler, Esq.
22 Frank Z. LaForge, Esq.
Attorneys for Plaintiff/
Counterdefendants

By: /s/ Kirk C. Johnson
Kirk C. Johnson, Esq.
Attorneys for Defendant/
Counterclaimant

23
24 **ORDER**

25 **IT IS SO ORDERED:**



26
27 UNITED STATES DISTRICT JUDGE

DATED: March 11, 2019

1 **CERTIFICATE OF SERVICE**

2 Pursuant to FRCP 5(b) and Local Rule 5-4, I hereby certify that I am an employee of
3 Robertson, Johnson, Miller & Williamson, over the age of eighteen, and not a party to the within
4 action. I further certify that on the 11th day of March, 2019, I electronically filed this
5 **STIPULATION FOR EXTENSION OF TIME TO RESPOND TO MOTION TO DISMISS**
6 **COUNTERCLAIM (FIRST REQUEST)** and thus, pursuant to LR 5-4, caused same to be
7 served by electronic mail on the following Filing Users:

8 Matthew B. Hippler, Esq. (SBN 7015)
9 Frank Z. LaForge, Esq. (SBN 12246)
10 Holland & Hart LLP
11 5441 Kietzke Lane, Second Floor
12 Reno, NV 89511
13 mhippler@hollandhart.com
14 lzlaforge@hollandhart.com

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/s/ Teresa W. Stovak
An Employee of Robertson, Johnson,
Miller & Williamson