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 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.

16
 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**
 (THIRD REQUEST)

27 **WHEREAS**, Counterdefendants Kiesecker, Waller and Huempfer 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
 (THIRD REQUEST)

1 **WHEREAS**, Counterclaimant’s opposition to the Motion is currently due on or before
2 April 9, 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 still working to finalize that tentative settlement and are
6 currently engaged in trying to resolve the last remaining issue (although Plaintiff’s counsel will
7 be out of the office during the week of April 8);

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

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

14 **IT IS HEREBY STIPULATED AND AGREED** by and between the undersigned, that
15 Counterclaimant Icon Reno Property Owner Pool 3 Nevada, LLC shall have to and including
16 April 30, 2019, to file its opposition to Plaintiff’s Motion to Dismiss Counterclaim in this action.

17 **IT IS SO STIPULATED:**

18 DATED: April 5, 2019

DATED: April 5, 2019.

19 HOLLAND & HART LLP

ROBERTSON, JOHNSON
MILLER & WILLIAMSON

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

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

26 **ORDER**

27 **IT IS SO ORDERED:**



28 UNITED STATES DISTRICT JUDGE
DATED: April 9, 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 5th day of April, 2019, I electronically filed this
5 **STIPULATION FOR EXTENSION OF TIME TO RESPOND TO MOTION TO DISMISS**
6 **COUNTERCLAIM (THIRD 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

15 _____
16 /s/ Teresa W. Stovak
17 An Employee of Robertson, Johnson,
18 Miller & Williamson