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 5 Attorneys for Defendant/Counterclaimant ICON RENO  
 6 PROPERTY OWNER POOL 3 NEVADA, LLC

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

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

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

10 Plaintiff,

11 vs.

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

14 Defendants.

15  
 16 ICON RENO PROPERTY OWNER POOL 3  
 NEVADA, LLC, a foreign limited liability  
 Company,

17 Counterclaimant.

18 vs.

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

22 Counterdefendants.

23  
 24 **STIPULATION FOR EXTENSION OF TIME TO RESPOND TO**  
**MOTION TO DISMISS COUNTERCLAIM (FIFTH REQUEST)**

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

27 **WHEREAS**, Counterclaimant’s opposition to the Motion is currently due on or before  
 28 May 17, 2019;

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

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

3           **WHEREAS**, the parties appear to have hopefully resolved the last remaining issue with  
4 the latest settlement agreement changes now awaiting final approval from a few of the interested  
5 parties;

6           **WHEREAS**, the terms of the settlement agreement have led some of the parties to seek  
7 insurance coverage for issues addressed in the agreement and which insurance issues those  
8 parties are still working through with their insurers and which need to be resolved before the  
9 parties can execute the settlement agreement;

10           **WHEREAS**, the settlement will obviate the need for Counterclaimant to file an  
11 opposition to the Motion and save judicial resources; and

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

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

19           **IT IS SO STIPULATED:**

20 DATED: May 17, 2019

DATED: May 17, 2019.

21 HOLLAND & HART LLP

ROBERTSON, JOHNSON  
MILLER & WILLIAMSON

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

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

25           **ORDER**

26           **IT IS SO ORDERED:**

27 

28           UNITED STATES DISTRICT JUDGE

DATED: May 20, 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 17<sup>th</sup> day of May, 2019, I electronically filed this  
5 **STIPULATION FOR EXTENSION OF TIME TO RESPOND TO MOTION TO DISMISS**  
6 **COUNTERCLAIM (FIFTH 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)  
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/s/ Teresa W. Stovak  
An Employee of Robertson, Johnson,  
Miller & Williamson