

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

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
 TECHNOLOGIES, INC.; FRANK
 20 KIESECKER, JR., individually; RICHARD L.
 WALLER, individually; MICHAEL S.
 21 HUEMPFNER, individually,

22 Counterdefendants.

ORDER RE:

23
 24 **STIPULATION FOR EXTENSION OF TIME TO RESPOND TO
 MOTION TO DISMISS COUNTERCLAIM (SIXTH 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 June 14, 2019;

STIPULATION FOR EXTENSION OF TIME TO RESPOND TO MOTION TO DISMISS COUNTERCLAIM
 (SIXTH 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 July 16, 2019, to file its opposition to Plaintiff's Motion to Dismiss Counterclaim in this action.

19 **IT IS SO STIPULATED:**

20 DATED: June 14, 2019

DATED: June 14, 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: June 17th, 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 14th day of June, 2019, I electronically filed this
5 **STIPULATION FOR EXTENSION OF TIME TO RESPOND TO MOTION TO DISMISS**
6 **COUNTERCLAIM (SIXTH 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