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Elizabeth A. Brown  
Clerk of Supreme Court

10 IN THE SUPREME COURT OF THE STATE OF NEVADA

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12 LAS VEGAS DEVELOPMENT GROUP, LLC, )  
a Nevada limited liability company, )  
13 )  
Appellant, )  
14 )  
vs. )  
15 )  
JAMES R. BLAHA, an individual; BANK OF )  
16 AMERICA, NA, a National Banking )  
Association, as successor by merger to BAC )  
17 HOME LOANS SERVICING, LP; )  
RECONTRUST COMPANY NA, a Texas )  
18 corporation; EZ PROPERTIES, LLC, a Nevada )  
limited liability company; K&L BAXTER )  
19 FAMILY LIMITED PARTNERSHIP, a Nevada )  
limited partnership; FCH FUNDING, INC, an )  
20 unknown corporate entity, )  
Respondents. )  
21 )

Supreme Court No. 79055

District Court Case No. A-15-715532-C

22 **JOINT MOTION TO EXTEND TIME**  
23 **TO FILE OPENING BRIEF AND APPENDIX**

24 **(Second Request)**

25 COMES NOW Appellant, LAS VEGAS DEVELOPMENT GROUP, LLC, and  
26 Respondents, JAMES R. BLAHA; BANK OF AMERICA, NA; RECONTRUST COMPANY  
27 NA; EZ PROPERTIES, LLC; K&L BAXTER FAMILY LIMITED PARTNERSHIP; and FCH  
28

1 FUNDING, INC, by and through their respective undersigned counsel, and hereby stipulate and  
2 agree as follows:

- 3 1. The parties hereto are presently discussing a stipulated remand of this matter  
4 pursuant to *Huneycutt v. Huneycutt*, 94 Nev. 79, 575 P.2d 585 (1978),  
5 disapproved on other grounds by *Foster v. Dingwall*, 126 Nev. \_\_\_\_, 228 P.3d  
6 453 (2010), as a result of this Court’s recent reconsideration of *Bank of Am., N.A.*  
7 *v. Thomas Jessup, LLC Series VII*, 135 Nev. 42, 435 P.3d 1217 (2019) (“*Jessup*  
8 *1*”). The Order appealed from herein is premised in large part upon *Jessup 1*.
- 9 2. On June 18, 2020, the parties submitted a stipulation to extend the time to file the  
10 Opening Brief and Appendix herein from June 18, 2020, until July 20, 2020. The  
11 stipulation was granted on the same date.
- 12 3. Most of the parties hereto have agreed upon a stipulated remand of this matter. As  
13 a result of the current health pandemic and complications associated therewith,  
14 Bank of America, N.A. (“*BANA*”), has not yet provided its approval and is still  
15 considering the matter. BANA’s counsel believes that BANA will ultimately  
16 provide its approval.
- 17 4. If the matter is remanded by agreement, there will be no need for the filing of an  
18 Opening Brief and Appendix herein.
- 19 5. A proposed (1) Stipulation for Reconsideration and Certification and (2)  
20 Certification of Intent to Vacate Order Granting Motion for Summary Judgment  
21 have been drafted and circulated among the parties in preparation for submission  
22 to the district court upon BANA’s approval.
- 23 6. The parties are uncertain how long it will take the district court to act on the  
24 proposed Stipulation and Certification once it is submitted to the district court.
- 25 7. The Opening Brief and Appendix is currently due on July 20, 2020.
- 26 8. The parties hereby stipulate and agree that Appellant shall have an extension of  
27 time in which to file the Opening Brief and Appendix herein until August 31,  
28 2020. Alternatively, assuming all parties ultimately agree as expected, the parties

1 intend to file a joint motion to remand this matter as soon as the district court  
2 confirms its intention to vacate its prior Order.

3 9. This stipulation is made in good faith and not for purpose of delay.

4 Dated this 20<sup>th</sup> day of July, 2020.

5 ROGER P. CROTEAU &  
6 ASSOCIATES, LTD.

AKERMAN, LLP

7 /s/ Timothy E. Rhoda  
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16 **Las Vegas Development Group, LLC**

/s/ Lilith V. Xara  
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**Attorney for Respondents**  
**Bank of America, N.A. and Recontrust**  
**Company**

MAURICE WOOD

13 LAW OFFICES OF KEVIN R. HANSEN

14  
15 /s/ Amy M. Wilson  
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22 **Attorney for Respondents**  
23 **EZ Properties, LLC and K&L Baxter**  
24 **Family Partnership**

/s/ Brittany Wood  
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**Attorney for Respondents**  
**James R. Blaha and Noble Home Loans**  
**formerly known as FCH Funding, Inc.**

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of ROGER P. CROTEAU & ASSOCIATES, LTD.  
and that on the 20<sup>th</sup> day of July, 2020, I caused a true and correct copy of the foregoing  
document to be served on all parties as follows:

X VIA ELECTRONIC SERVICE: through the Nevada Supreme Court's efile e-file and  
serve system.

       VIA U.S. MAIL: by placing a true copy thereof enclosed in a sealed envelope with  
postage thereon fully prepaid, addressed as indicated on service list below in the United  
States mail at Las Vegas, Nevada.

       VIA FACSIMILE: by causing a true copy thereof to be telecopied to the number indicated  
on the service list below.

       VIA PERSONAL DELIVERY: by causing a true copy hereof to be hand delivered on this  
date to the addressee(s) at the address(es) set forth on the service list below.

/s/ Timothy E. Rhoda  
An employee of ROGER P. CROTEAU &  
ASSOCIATES, LTD.