

Case No. 69400

IN THE SUPREME COURT OF NEVADA

NATIONSTAR MORTGAGE, LLC

Appellant,

vs.

SFR INVESTMENTS POOL 1, LLC,

Respondent.

Electronically Filed
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Elizabeth A. Brown
Clerk of Supreme Court

APPEAL

From the Eighth Judicial District Court, Clark County
The Honorable MICHAEL P. VILLANI, District Judge
District Court Case No. A-13-684715-C

**OBJECTION TO APPELLANT AND AMICUS CURIAE'S NOTICE OF
CLARIFICATION REGARDING ORAL ARGUMENT**

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This Court should exercise its inherent authority and strike the rogue filing entitled “Notice of Clarification Regarding Oral Argument.”¹ Nationstar and FHFA submitted this rogue document purportedly “because of time constraints” imposed by this Court during the March 7th oral argument. Notice, 2:¶2. The rogue “Notice” is entirely improper, a belated attempt to discuss “whether a contractual relationship exists between Nationstar and FHFA as Conservator for Freddie Mac.” Notice, 2:¶2. Nationstar and FHFA had more than enough time to discuss this issue during the March 7th oral argument. Indeed, Nationstar and FHFA had 29 minutes to do so, which is six more minutes than SFR had; how Nationstar and FHFA decided to use their 29 minutes was entirely up to them. During oral argument, this Court—on more than one occasion—graciously gave Nationstar and FHFA additional time for oral argument. The Notice takes advantage of this Court’s generosity, and demands relief (i.e. the opportunity to “clarify” an issue) without having the procedural decency to file a motion. In short, Nationstar and FHFA’s rogue Notice violates NRAP 27(a)(1) because it impermissibly demands “relief” without filing a motion. NRAP 27(a)(1); *In re Dunleavy*, 104 Nev. 784, 787, 769 P.2d 1271, 1273 (1989).

...

¹ *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991) (discussing courts’ inherent authority); *Kapetan v. Cox*, No. 3:13-cv-00171-MMD-VPC, 2014 WL 5469335, at *12 (D. Nev. Oct. 28, 2014) (reviewing inherent authority to strike filings).

This Court should strike the Notice or, in the alternative, consider SFR's Response, which is attached hereto as **Exhibit A**.

Dated this 10th day of March, 2017.

KIM GILBERT EBRON

/s/Jacqueline A. Gilbert

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CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on this 10th day of March, 2017. Electronic service of the foregoing **OBJECTION TO APPELLANT AND AMICUS CURIAE'S NOTICE OF CLARIFICATION REGARDING ORAL ARGUMENT**

shall be made in accordance with the Master Service List as follows:

Docket Number and Case Title: 69400 - NATIONSTAR MORTG., LLC VS. SFR INV.'S POOL 1, LLC

Case Category Civil Appeal

Information current as of: Mar 10 2017 04:33 p.m.

Electronic notification will be sent to the following:

Ariel Stern
Jacqueline Gilbert
Howard Kim
Allison Schmidt
Robert Eisenberg
Darren Brenner
Leslie Bryan-Hart
John Tennert

Dated this 10th day of March 2017.

/s/Jacqueline A. Gilbert

An employee of KIM GILBERT EBRON