

IN THE SUPREME COURT OF THE STATE OF NEVADA

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NATIONSTAR MORTGAGE, LLC, A
DELAWARE LIMITED LIABILITY
COMPANY,

Appellant,

vs.

SFR INVESTMENTS POOL 1, LLC, A
NEVADA LIMITED LIABILITY
COMPANY,

Respondent.

CASE NO. 69400

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Mar 16 2017 08:22 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**RESPONSE TO SFR's OBJECTION TO CLARIFICATION
REGARDING ORAL ARGUMENT (MARCH 7, 2017)**

Appellant Nationstar Mortgage, LLC and *amicus curiae* Federal Housing Finance Agency submitted a notice of clarification regarding inquiries by some of the justices on a very narrow issue at the oral argument on March 7, 2017. After correctly summarizing the issue on which the justices inquired, the notice of clarification provided a single paragraph containing a concise clarification, referencing one subsection in a statute. SFR has now filed an objection to the notice of clarification, arguing that the notice was an improper request for relief, and it should have been filed in the form of a motion. SFR's objection itself, which is not in the form of a motion, requests this court to grant relief by striking the notice of clarification. Further, SFR's attachment to the objection goes far beyond the very limited subject of the notice of clarification.

Despite SFR’s contention that the notice of clarification is a “work of fiction,” all the notice does is call the Court’s attention to the text of 12 U.S.C. § 4617(b)(2)(A)(i). (SFR’s Proposed Response at 1). The text of that statute is not “fiction.” Indeed, SFR’s counsel requested permission from the clerk, a half hour before oral argument, to provide the justices with excerpts of the same statute—including the exact provision cited in our notice. Neither Nationstar nor FHFA objected. Apparently, SFR thought the statutory language was important at that time.

Contrary to SFR’s argument, the notice of clarification did not request relief. Instead, it simply provided the court with a brief explanation of a point that was obviously of interest to some of the justices. The notice of clarification was submitted in an effort to assist the justices in resolving uncertainty and in reaching the correct result.¹

¹ SFR asserts that Nationstar and FHFA violated NRAP 27 by filing the notice “without having the procedural decency to file a motion.” Before filing, an attorney for FHFA called the clerk’s office to inquire as to the procedure for submitting a simple post-argument clarification. The clerk’s representative responded that we could file a notice and the clerk’s office would make it available to the Court. We appreciate the clerk’s cooperation and understand that parties rely on such communications at their peril; we are responsible for the filing. That said, SFR seems intent on creating a tempest in a teapot: Whatever procedural means of submission was employed, the Court naturally may give our notice (and SFR’s response) whatever weight it deems appropriate.

Accordingly, the court should deny SFR's request to strike the notice of clarification.

DATED: March 15, 2017.

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CERTIFICATE OF SERVICE

Pursuant to NEFCR 9(b)(d)(e), I certify that on March 15, 2017, a true and correct copy of the **RESPONSE TO SFR'S OBJECTION TO CLARIFICATION REGARDING ORAL ARGUMENT (MARCH 7, 2017)**, was transmitted electronically through the Court's e-filing system to the attorney(s) associated with this case. If electronic notice is not indicated through the court's e-filing system, then a true and correct paper copy of the foregoing document was delivered via U.S. Mail.

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