

IN THE SUPREME COURT OF NEVADA

JPMORGAN CHASE BANK,
NATIONAL ASSOCIATION, a
national association,

Appellant,

v.

SFR INVESTMENTS POOL 1, LLC, a
Nevada limited liability company,

Respondent.

Supreme Court No. 71337

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Elizabeth A. Brown
Clerk of Supreme Court

**MOTION TO EXTEND DEADLINE TO
FILE OPENING BRIEF AND APPENDIX**

Pursuant to NRAP 26(b)(1)(A) and 31(b)(3), appellant JPMorgan Chase Bank, N.A. (“Chase”) moves to extend the filing deadline for its opening brief. In support of this motion, Chase states as follows:

1. This case arises from a foreclosure sale under NRS Chapter 116. Chase claims that a deed of trust recorded against the subject property survived the sale. Respondent SFR Investments Pool 1, LLC (“SFR”) claims the deed of trust was extinguished.

2. Chase argues, among other things, that it was servicing the loan secured by the deed of trust on behalf of the Federal Home Loan Mortgage Corporation (“Freddie Mac”), which owned the loan. Chase further argues that 12

U.S.C. § 4617(j)(3) preempts Nevada law to the extent that Nevada law would permit the sale to extinguish the deed of trust.

3. The original deadline for Chase to file its opening brief was January 9, 2017.

4. Pursuant to a telephonic request by Chase on January 5, 2017, the Court extended the deadline to January 23, 2017.

5. On January 19, 2017, Chase filed an unopposed motion to further extend the deadline to February 22, 2017. The parties requested the extension to allow the district court to decide an N.R.C.P. 60 motion filed by SFR. The Court granted the requested extension.

6. On February 15, 2017, Chase filed an unopposed motion to further extend the opening brief deadline to August 22, 2017. The parties requested the extension to allow the Court to decide Nationstar Mortg., LLC v. SFR Invs. Pool 1, LLC, No. 69400, 133 Nev. Adv. Op. 34 (2017). The parties also requested the extension to allow the United States Supreme Court to decide whether to grant certiorari to resolve the split between Bourne Valley Court Tr. v. Wells Fargo Bank, NA, 832 F.3d 1154 (9th Cir. 2016), and Saticoy Bay LLC v. Wells Fargo Home Mortg., No. 68630, 133 Nev. Adv. Rep. 5 (2017).

7. The Court issued an opinion in the Nationstar case on June 22, 2017. Nationstar held that the servicer of a loan owned by Fannie Mae or Freddie Mac

has standing to argue that 12 U.S.C. § 4617(j)(3) bars a foreclosure sale under NRS Chapter 116 from extinguishing a deed of trust securing the loan. Because the district court in Nationstar did not reach the relevant facts of that case, the Court remanded the case for further consideration by the district court.

8. Because the district court in this case also did not reach the relevant facts, the parties agree that this case should be remanded so the district court may address them in the first instance.

9. The parties are preparing a stipulation requesting that the district court certify its intent to vacate the current judgment, pursuant to Foster v. Dingwall, 228 P.3d 453, 454-55 (Nev. 2010), and Huneycutt v. Huneycutt, 94 Nev. 79 (1978).

10. If the district court certifies its intent to vacate the judgment, the parties will file a further stipulation with this Court formally requesting that the case be remanded.

11. To allow the parties to submit their stipulation to the district court, and to allow them to submit a further stipulation for remand to this Court (as appropriate), the parties request a further extension of the opening brief deadline from August 22, 2017 to September 21, 2017.

12. There are extraordinary and compelling circumstances for this request because the Court issued its opinion in Nationstar after the parties' prior requests to extend the opening brief deadline.

13. Counsel for SFR has reviewed this motion and does not oppose it.

Dated: August 21, 2017.

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CERTIFICATE OF SERVICE

I certify that on August 21, 2017, I filed the foregoing *Motion to Extend Deadline to File Opening Brief and Appendix*. The following participants will be served electronically:

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