

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

SFR INVESTMENTS POOL 1, LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY; AND COPPER RIDGE  
COMMUNITY ASSOCIATION,

Appellants,

vs.

U.S. BANK, N.A., A NATIONAL BANKING  
ASSOCIATION AS TRUSTEE FOR THE  
CERTIFICATE HOLDERS OF WELLS  
FARGO ASSET SECURITIES  
CORPORATION, MORTGAGE PASS-  
THROUGH CERTIFICATES, SERIES 2006-  
AR4; AND NV WEST SERVICING, LLC, A  
NEVADA LIMITED LIABILITY  
COMPANY, AS TRUSTEE FOR  
NASHVILLE TRUST 2270,

Respondents.

Case No. 74532

Electronically Filed

District Court, 11th Judicial District, Nevada  
November 19, 2018 02:36 p.m.

A-13-678 Elizabeth A. Brown

A-13-681 Clerk of Supreme Court

**APPEAL**

**From the Eighth Judicial District Court  
The Honorable Joanna S. Kishner**

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**RESPONDENT'S REPLY IN SUPPORT OF ITS MOTION FOR  
LEAVE TO FILE SUR-REPLY BRIEF**

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association as Trustee for the Certificate Holders of Wells Fargo Asset  
Securities Corporation, Mortgage Pass-Through Certificates,  
Series 2006-AR4*

## **MEMORANDUM OF POINTS AND AUTHORITIES**

SFR concedes that it raised a brand-new argument in its Reply Brief that U.S. Bank should have an opportunity to address. Indeed, SFR does not oppose U.S. Bank's Motion as much as it requests further briefing to which SFR is not entitled. However, SFR's failure to raise its so-called jurisdictional arguments in its Opening Brief does not justify a new round of briefing. When a party raises a new argument in a Reply Brief, the Court may strike it, decline to consider it, or allow the respondent to file a sur-reply brief addressing the next argument. By moving for leave to file a sur-reply brief, U.S. Bank took the only action contemplated under the law when a party raises a new issue in a reply. Any claim that the parties could have simply agreed to a new briefing schedule is spurious, as no rule authorize parties to stipulate to allow additional briefing before this Court. As such, the Court should grant the Motion, accept U.S. Bank's narrow sur-reply brief that addresses the new (and waived) issue SFR raised in its Reply Brief, and decline to allow any further briefing in this case.

DATED: November 9, 2018

SNELL & WILMER L.L.P.

/s/ Kelly H. Dove

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Securities Corporation, Mortgage Pass-  
Through Certificates, Series 2006-AR4*

## **CERTIFICATE OF SERVICE**

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On November 9, 2018, I caused to be served a true and correct copy of the foregoing **RESPONDENT'S REPLY IN SUPPORT OF ITS MOTION FOR LEAVE TO FILE SUR-REPLY BRIEF** upon the following by the method indicated:

- ☐ **BY E-MAIL:** by transmitting via e-mail the document(s) listed above to the e-mail addresses set forth below and/or included on the Court's Service List for the above-referenced case.
- ☐ **BY OVERNIGHT MAIL:** by causing document(s) to be picked up by an overnight delivery service company for delivery to the addressee(s) on the next business day.
- ☐ **BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth below:
- ☒ **BY ELECTRONIC SUBMISSION:** submitted to the above-entitled Court for electronic filing and service upon the Court's Service List for the above-referenced case.

*/s/Ruby Lengsavath*  
An Employee of SNELL & WILMER L.L.P.