

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Appellant,

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, a Nevada non-profit
corporation and LUCIA PARKS, an
individual,

Respondent.

Case No. 74532 Electronically Filed
Apr 22 2019 04:49 p.m.
District Court Case No. A-13 Elizabeth A. Brown
678814-C Clerk of Supreme Court

**APPELLANT'S NOTICE OF
SUPPLEMENTAL AUTHORITIES UNDER
NRAP 31**

NOTICE OF SUPPLEMENTAL AUTHORITIES UNDER NRAP 31

Pursuant to NRAP 31(e), Appellant SFR Investments Pool 1, LLC ("SFR" or the "Appellant") hereby submits the following supplemental authorities in connection with Appellant's Opening Brief (the "AOB") and Appellant's Reply Brief (the "ARB"):

...

1. *U.S. Bank, N.A. v. SFR Invs. Pool 1, LLC (In re Petrone)*, 754 Fed. Appx. 590 (9th Cir. Feb. 22, 2019).

- a. *Arguments related to supplemental authorities under NRAP 31(e):*

- i. AOB: pgs. 13-16:

1. Bankruptcy Court's Annulment Order is dispositive of issues related to the automatic stay (AOB 13-16).

- ii. ARB: pgs. 14-15 and 19-28:

1. The Bank's procurement of the District Court's Order as an impermissible collateral attack on the Bankruptcy Court's final Annulment Order (*See Nev. Sup. Ct. Case No. 76066*). (ARB at 14-15).

2. The Bank's lack of standing under federal bankruptcy law to enforce the automatic stay generally. (ARB at 19-28).

2. *Lexmark Int'l, Inc. v. Static Control Components, Inc.*, 572 U.S. 118 (2014).

- a. Cited and applied in *U.S. Bank, N.A. v. SFR Invs. Pool 1, LLC (In re Petrone)*, 754 Fed. Appx. 590 (9th Cir. Feb. 22, 2019).

- b. *Arguments related to supplemental authorities under NRAP 31(e):*

- i. AOB: pgs. 13-16:

1. Bankruptcy Court's Annulment Order is dispositive of issues related to the automatic stay (AOB 13-16).

ii. ARB: pgs. 14-15 and 19-28:

1. The Bank's procurement of the District Court's Order as an impermissible collateral attack on the Bankruptcy Court's final Annulment Order (*See Nev. Sup. Ct. Case No. 76066*). (ARB at 14-15).
2. The Bank's lack of standing under federal bankruptcy law to enforce the automatic stay generally. (ARB at 19-28).

3. *MSR Exploration, Ltd. v. Meridian Oil, Inc.*, 74 F.3d 910 (9th Cir. 1996).

a. *Arguments related to supplemental authorities under NRAP 31(e):*

i. AOB: pgs. 13-16:

1. Bankruptcy Court's Annulment Order is dispositive of issues related to the automatic stay (AOB at 13-16).

ii. ARB: pgs. 3-14 and 14-19:

1. The Bankruptcy Court's exclusive core jurisdiction over both enforcement and annulment of the automatic stay renders the District Court's Order void for lack of subject matter jurisdiction. (ARB at 3-14).
2. The District Court lacked power and jurisdiction to modify or hear the Bank's improper collateral attack on the Annulment Order. (ARB at 14-19).

4. *Eastern Equip. and Servs, Corp. v. Factory Point Nat'l Bank*, 236 F.3d 117 (2d Cir. 2001).

a. *Arguments related to supplemental authorities under NRAP 31(e):*

i. AOB: pgs. 13-16:

1. Bankruptcy Court's Annulment Order is dispositive of issues related to the automatic stay (AOB at 13-16).

ii. ARB: pgs. 3-14 and 14-19:

1. The Bankruptcy Court's exclusive core jurisdiction over both enforcement and annulment of the automatic stay renders the District Court's Order void for lack of subject matter jurisdiction. (ARB at 3-14).

b. The District Court lacked power and jurisdiction to modify or hear the Bank's improper collateral attack on the Annulment Order. (ARB at 14-19).

DATED this 22nd day of April, 2019.

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CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2019, I filed the foregoing **Appellant's Notice of Supplemental Authorities under NRAP 31** which shall be served via the Court's eFlex system to the following parties:

Docket Number and Case Title: 74532 - SFR INV.'S POOL 1, LLC VS. U.S. BANK, N.A.

Case Category Civil Appeal

Information current as of: April 22, 2019 [INSERT TIME] p.m.

Electronic notification will be sent to the following:

Kelly Dove

John Delikanakis

Kurt Bonds

Daniel Ivie

Robert Noggle

DATED this 22nd day of April, 2019.

/s/Jacqueline A. Gilbert
An employee of Kim Gilbert Ebron