

IN THE SUPREME COURT OF NEVADA

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

Appellant,

v.

NATIONSTAR MORTGAGE, LLC, A
DELAWARE LIMITED LIABILITY
COMPANY,

Respondent.

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Elizabeth A. Brown
Clerk of Supreme Court

Case No. 75890

APPEAL

from the Eighth Judicial District Court,
The Honorable Michael Villani, District Judge
District Court Case No. A-13-684715-C

**NATIONSTAR MORTGAGE LLC'S MOTION TO EXTEND TIME TO
FILE RESPONSE TO SFR INVESTMENTS POOL 1, LLC'S MOTION TO
SUPPLEMENT THE RECORD ON APPEAL AND TO FILE ANSWERING
BRIEF
(THIRD REQUEST)**

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Respondent Nationstar Mortgage LLC (**Nationstar**), by and through its counsel of record, respectfully submits this motion, pursuant to NRAP 26(b)(1)(B), requesting this court grant Nationstar's motion to extend time to file (1) its response to SFR's motion to supplement the record on appeal, which is currently due on January 9, 2019; and (2) its answering brief which is currently due on January 9, 2019. Nationstar requests an extension up to and including February 8, 2019.

This is Nationstar's third request for an extension of its deadline to file a response to SFR's motion to supplement the record on appeal. The original due date was December 5, 2018. The parties stipulated to extend this deadline by seven days with a new response deadline of December 12, 2018. On December 12, 2018, Nationstar filed a motion requesting an extension up to January 9, 2019, which was granted by the Court. No requests for extension of time have been denied previously.

This is Nationstar's second request for an extension of its deadline to file its answering brief. The original due date was December 26, 2018. Nationstar received a telephonic extension of fourteen days, and the current response due date is January 9, 2019. No request for extension of time have been denied previously.

Good cause exists to extend the time to file the response to SFR's motion to supplement the record on appeal and the time to file the answering brief. The

exhibits with which SFR seeks to supplement the record were not filed or served with SFR's motion. Because of this, the parties stipulated to a seven day extension to respond to SFR's motion, setting the due date to December 12, 2018. The exhibits were e-mailed to the previous handling attorney on December 4, 2018.

Nationstar requested its response to SFR's motion be due the same time as Nationstar's answering brief, currently due January 9, 2018. The Court granted Nationstar's request on December 18, 2018. Nationstar respectfully requests additional time because this appeal and SFR's motion raise issues related to the Federal Foreclosure Bar. Specifically, a deed of trust encumbering the property at issue in this case was owned by Fannie Mae or Freddie Mac (collectively, the **Enterprises**) at the time of the homeowner association foreclosure sale, that SFR claims extinguished that deed of trust. The Enterprises' deed of trust could not have been extinguished as 12 U.S.C. § 4617(j)(3) (the **Federal Foreclosure Bar**) preempts the Nevada HOA foreclosure statute that otherwise would allow an HOA sale to extinguish liens owned by the Enterprises while they were under conservatorship of the Federal Housing Finance Agency (**FHFA**). Materially the same facts and the exact same legal issues and claims are present in hundreds of other pending cases before the state and federal courts in Nevada.

The first and the third of the three issues raised in SFR's opening brief relate to the Federal Foreclosure Bar: 1) Whether the footer on a deed of trust stating

that the document is Nevada – Single Family – Fannie Mae/Freddie Mac UNIFORM INSTRUMENT – MERS, is proof of Freddie Mac’s actual interest in the loan or deed of trust; and 3) Whether summary judgment was appropriate when the evidence relied on for proof of Freddie Mac’s purported ownership of the loan and deed of trust, and the purported servicing relationship between Freddie Mac and Nationstar was inadmissible, unreliable and contradicted by witness testimony.

SFR’s motion to supplement the record on appeal seeks to add four exhibits addressing the issues related to the Federal Foreclosure Bar. In pursuit of an efficient resolution of many related cases, Nationstar consulted with FHFA, the Enterprises, and their servicers appearing in related cases. Nationstar requests additional time to more efficiently address SFR’s motion and allow the FHFA, the Enterprises, and their servicers to coordinate the response to the arguments related to the Federal Foreclosure Bar raised in the opening brief at the same time. This request for an additional extension is not made lightly or for the purpose of delay.

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Nationstar respectfully requests an extension up to and including February 8, 2019 to file (1) its response to SFR's motion to supplement the record on appeal, and (2) its answering brief.

Dated: January 3rd, 2019.

AKERMAN LLP

/s/ Donna Wittig

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CERTIFICATE OF SERVICE

I certify that I electronically filed on January 3, 2019, the foregoing **NATIONSTAR MORTGAGE LLC'S MOTION TO EXTEND TIME TO FILE RESPONSE TO SFR INVESTMENTS POOL 1, LLC'S MOTION TO SUPPLEMENT THE RECORD ON APPEAL AND TO FILE ANSWERING BRIEF (THIRD REQUEST)** with the Clerk of the Court for the Nevada Supreme Court by using the CM/ECF system. I further certify that all parties of record to this appeal either are registered with the CM/ECF or have consented to electronic service.

[] By placing a true copy enclosed in sealed envelope(s) addressed as follows:

[X] (By Electronic Service) Pursuant to CM/ECF System, registration as a CM/ECF user constitutes consent to electronic service through the Court's transmission facilities. The Court's CM/ECF systems sends an e-mail notification of the filing to the parties and counsel of record listed above who are registered with the Court's CM/ECF system.

[X] (Nevada) I declare that I am employed in the office of a member of the bar of this Court at whose discretion the service was made.

/s/ Carla Llarena
An employee of Akerman LLP