

EXHIBIT A

**District Court Docket for
Case No: A-13-684715-C**

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REGISTER OF ACTIONS

CASE NO. A-13-684715-C

Ignacio Gutierrez, Plaintiff(s) vs. SFR Investments Pool 1 LLC, Defendant (s)	§ § § § § § § § § §	Case Type: Title to Property Subtype: Quiet Title Date Filed: 07/08/2013 Location: Department 18 Cross-Reference Case Number: A684715 Supreme Court No.: 69400 75890
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PARTY INFORMATION

Counter Claimant	Nevada Association Services, Inc.	Lead Attorneys Richard J. Vilkin <i>Retained</i> 702-873-5868(W)
Counter Claimant	SFR Investments Pool 1 LLC	Howard C. Kim <i>Retained</i> 702-485-3300(W)
Counter Defendant	Countrywide Home Loans Inc	Darren T. Brenner <i>Retained</i> 702-634-5000(W)
Counter Defendant	Nationstar Mortgage LLC	Ariel E. Stern <i>Retained</i> 702-634-5000(W)
Defendant	KB Home Mortgage Company	
Defendant	SFR Investments Pool 1 LLC	Howard C. Kim <i>Retained</i> 702-485-3300(W)
Plaintiff	Gutierrez, Ignacio	Preston S. Kerr <i>Retained</i> 702-451-2055(W)
Third Party Defendant	Countrywide Home Loans Inc	Darren T. Brenner <i>Retained</i> 702-634-5000(W)
Third Party Defendant	Nationstar Mortgage LLC	Ariel E. Stern <i>Retained</i> 702-634-5000(W)
Third Party Plaintiff	SFR Investments Pool 1 LLC	Howard C. Kim <i>Retained</i> 702-485-3300(W)

EVENTS & ORDERS OF THE COURT

02/14/2014	DISPOSITIONS Order of Dismissal Without Prejudice (Judicial Officer: Villani, Michael) Debtors: Ignacio Gutierrez (Plaintiff) Creditors: Horizon Heights Homeowners Association (Defendant), Nevada Association Services, Inc. (Defendant) Judgment: 02/14/2014, Docketed: 02/24/2014
02/14/2014	Judgment for Attorney's Fees (Judicial Officer: Villani, Michael) Debtors: Ignacio Gutierrez (Plaintiff) Creditors: Nevada Association Services, Inc. (Defendant)

Judgment: 02/14/2014, Docketed: 02/24/2014
Total Judgment: 1,650.56

05/09/2014 **Order of Dismissal Without Prejudice** (Judicial Officer: Villani, Michael)
Debtors: SFR Investments Pool 1 LLC (Defendant)
Creditors: Ignacio Gutierrez (Plaintiff)
Judgment: 05/09/2014, Docketed: 12/08/2014
Debtors: SFR Investments Pool 1 LLC (Counter Claimant)
Creditors: Ignacio Gutierrez (Counter Defendant)
Judgment: 05/09/2014, Docketed: 12/08/2014

11/25/2014 **Amended Judgment Vacated** (Judicial Officer: Villani, Michael) Reason: Vacated
Debtors: SFR Investments Pool 1 LLC (Third Party Plaintiff)
Creditors: Nationstar Mortgage LLC (Third Party Defendant), Countrywide Home Loans Inc (Third Party Defendant)
Judgment: 11/25/2014, Docketed: 11/19/2013

11/12/2013 **Order of Dismissal With Prejudice** (Judicial Officer: Villani, Michael)
Debtors: SFR Investments Pool 1 LLC (Third Party Plaintiff)
Creditors: Nationstar Mortgage LLC (Third Party Defendant), Countrywide Home Loans Inc (Third Party Defendant)
Judgment: 11/12/2013, Docketed: 11/19/2013

07/28/2017 **Clerk's Certificate** (Judicial Officer: Villani, Michael)
Debtors: SFR Investments Pool 1 LLC (Third Party Plaintiff)
Creditors: Nationstar Mortgage LLC (Third Party Defendant)
Judgment: 07/28/2017, Docketed: 08/04/2017
Comment: Supreme Court No. 69400 APPEAL REVERSED AND REMANDED

04/11/2018 **Summary Judgment** (Judicial Officer: Villani, Michael)
Debtors: SFR Investments Pool 1 LLC (Third Party Plaintiff)
Creditors: Nationstar Mortgage LLC (Third Party Defendant)
Judgment: 04/11/2018, Docketed: 04/11/2018

OTHER EVENTS AND HEARINGS

07/08/2013 **Case Opened**

07/08/2013 **Complaint**
Complaint

07/12/2013 **Notice of Service**
Notice of Filing Affidavit of Service - Nevada Association Services Inc

07/12/2013 **Notice of Service**
Notice of Filing Affidavit of Service - Horizon Heights Homeowners Association

07/12/2013 **Notice of Service**
Notice of Filing Affidavit of Service

08/01/2013 **Notice of Lis Pendens**
Notice of Lis Pendens

08/02/2013 **Answer and Counterclaim**
Answer, Counterclaim and Third Party Complaint for Quiet Title and Injunctive Relief

08/05/2013 **Initial Appearance Fee Disclosure**
Initial Appearance Fee Disclosure

08/06/2013 **Initial Appearance Fee Disclosure**
Initial Appearance Fee Disclosure

08/06/2013 **Motion to Dismiss**
Horizon Heights HOA's Motion to Dismiss Plaintiff's Complaint

08/07/2013 **Application for Entry of Default**
Application for Entry of Default

08/08/2013 **Certificate of Service**
Certificate of Service

08/12/2013 **Answer and Counterclaim**
Answer Of Defendant Nevada Association Services, Inc. And Counterclaim

08/15/2013 **Answer**
Answer to Defendant Nevada Association Services, Inc. And Counterclaim

08/15/2013 **Opposition**
Opposition to Defendant Horizon Heights HOA's Motion to Dismiss Plaintiffs Complaint

08/19/2013 **Answer and Counterclaim**
Answer to Defendant SFR Investment Pool 1, LLC's Counterclaim and Third Party Complaint

08/21/2013 **Affidavit of Service**
Affidavit of Service - Countrywide Home Loans, Inc.

08/26/2013 **Default**
Default

08/26/2013 **Joinder to Opposition to Motion**
Limited Joinder to Plaintiff's Opposition to Horizon Heights Homeowner's Association's Motion to Dismiss.

08/27/2013 **Notice of Entry of Default**
Notice of Entry of Default

08/27/2013 **Certificate of Service**
Certificate of Service

08/29/2013 **Notice of Appearance**
Notice of Appearance

08/29/2013 **Initial Appearance Fee Disclosure**
Initial Appearance Fee Disclosure

09/05/2013 **Affidavit of Service**
Affidavit of Service

09/11/2013 **Motion to Dismiss** (8:30 AM) (Judicial Officer Villani, Michael)
Horizon Heights HOA's Motion to Dismiss Plaintiff's Complaint
[Parties Present](#)

	Minutes
	Result: Matter Continued
09/18/2013	Motion to Dismiss <i>Motion to Dismiss Third Party Complaint</i>
09/19/2013	Certificate of Service <i>Certificate of Service</i>
09/19/2013	Notice of Change of Address <i>Notice of Change of Address and Notice of Change of Attorney</i>
10/09/2013	Opposition to Motion to Dismiss <i>Opposition to Nationstar Mortgage, LLC's Motion to Dismiss Third Party Complaint</i>
10/14/2013	Certificate of Service <i>Certificate of Service</i>
10/16/2013	Reply in Support <i>Reply in Support of Motion to Dismiss Third Party Complaint</i>
10/23/2013	Motion to Dismiss (8:30 AM) (Judicial Officer Villani, Michael) <i>Third Party Defendant Nationstar Mortgage LLC's Motion to Dismiss Third Party Complaint</i>
	Parties Present
	Minutes
	Result: Granted
11/07/2013	Recorders Transcript of Hearing <i>Transcript of Proceedings Re: Third Party Defendant Nationstar Mortgage LLC'S Moton to Dismiss Third Party Complaint October 23, 2013</i>
11/07/2013	Notice of Change of Firm Name <i>Notice of Change of Firm Name</i>
11/12/2013	Order for Dismissal With Prejudice <i>(Vacated 11/25/14) Order Granting Nationstar Mortgage LLC's Motion to Dismiss Third Party Complaint</i>
11/13/2013	Notice of Entry of Order <i>Notice of Entry of Order</i>
11/22/2013	Motion to Dismiss <i>Motion By Defendant Nevada Association Services, Inc. To Dismiss Plaintiff's Complaint And For Attorneys Fees And Costs</i>
11/22/2013	Certificate of Mailing <i>Certificate Of Mailing</i>
01/02/2014	Joinder <i>Defendant Horizon Heights Homeowners Association's Joinder to Nevada Associations Motion to Dismiss</i>
01/08/2014	Motion to Dismiss (8:30 AM) (Judicial Officer Villani, Michael) <i>Motion By Defendant Nevada Association Services, Inc. To Dismiss Plaintiff's Complaint And For Attorneys Fees And Costs</i>
	Result: Granted
01/08/2014	Joinder (8:30 AM) (Judicial Officer Villani, Michael) <i>Defendant Horizon Heights Homeowners Association's Joinder to Nevada Associations Motion to Dismiss</i>
	Result: Granted
01/08/2014	All Pending Motions (8:30 AM) (Judicial Officer Villani, Michael) <i>Nevada Accosiation Services' Motion to Dismiss Plaintiff's Complant and for Attorney's Fees and Costs . . . Horizon Heights Homeowners Association's Joinder</i>
	Parties Present
	Minutes
	Result: Matter Heard
01/17/2014	Recorders Transcript of Hearing <i>Transcript of Proceedings Re: Third Party Defendant Nationstar Mortgage LLC'S Motion to Dismiss Third Party Complaint 10/23/13</i>
02/14/2014	Order Granting Motion <i>Order Granting Motion By Defendants Nevada Association Services, Inc. And Horizon Heights Homeowners Association To Dismiss Plaintiff's Complaint</i>
02/15/2014	Notice of Entry of Order <i>Notice Of Entry Of Order</i>
03/28/2014	Recorders Transcript of Hearing <i>Transcript of Proceedings Re: All Pending Motions January 8, 2014</i>
05/09/2014	Stipulation and Order for Dismissal Without Prejudice <i>Stipulation and Order Dismissing Ignacio Gutierrez without Prejudice</i>
05/12/2014	Notice of Entry of Stipulation & Order for Dismissal <i>Notice of Entry of Stipulation and Order</i>
10/08/2014	Answer to Third Party Complaint
10/08/2014	Initial Appearance Fee Disclosure <i>Initial Appearance Fee Disclosure</i>
10/08/2014	Notice of Appearance <i>Notice of Appearance</i>
11/25/2014	Stipulation and Order <i>Stipulation and Order Vacating Order Granting Nationstar Mortgage, LLC's Motion To Dismiss with Prejudice and Entering an Order Denying the Motion To Dismiss</i>
11/26/2014	Notice of Entry of Stipulation and Order <i>Notice of Entry of Stipulation and Order</i>
12/22/2014	Joint Case Conference Report <i>Joint Case Conference Report</i>
12/31/2014	Scheduling Order <i>Scheduling Order</i>
01/12/2015	Order Setting Civil Non-Jury Trial <i>Order Setting Civil Non-Jury Trial</i>
06/15/2015	Designation of Expert Witness <i>SFR Investments Pool 1, LLC's Rebuttal Expert Witness Disclosure</i>
07/21/2015	Answer to Third Party Complaint <i>Nationstar Mortgage, LLC's Answer To SFR Investments Pool 1, LLC's Third-Party Complaint</i>
07/27/2015	Motion <i>Motion for Pre-Trial Coordination on Order Shortening Time</i>
08/07/2015	Opposition to Motion

	<i>Nationstar Mortgage, LLC and Countrywide Home Loans, Inc.'s Response in Opposition to SFR Investment Pool 1, LLC's Motion for Pre-Trial Coordination on Order Shortening Time</i>
08/11/2015	Motion to Coordinate (10:30 AM) (Judicial Officer Bare, Rob) <i>Defendant's Motion for Pre-Trial Coordination on Order Shortening Time</i> Minutes
	Result: Matter Heard
08/25/2015	Document Filed <i>Proposed Case Management Order</i>
08/26/2015	Affidavit of Due Diligence <i>Affidavit Of Due Diligence</i>
08/26/2015	Affidavit of Service <i>Affidavit Of Service</i>
09/08/2015	Motion for Summary Judgment <i>SFR Investments Pool 1, LLC's Motion for Summary Judgment</i>
09/21/2015	Motion in Limine <i>SFR Investments Pool 1, LLC's Motion in Limine to Strike Bank's Expert</i>
09/28/2015	Opposition to Motion For Summary Judgment <i>Bank of America, NA and Nationstar Mortgage, LLC's Opposition to Motion for Summary Judgment</i>
09/28/2015	Counter-motion For Summary Judgment <i>Bank of America, N.A., as Successor By Merger To BAC Home Loans Servicing, LP fka Countrywide Home Loans, Inc. and Nationstar Mortgage, LLC's Counter-motion For Summary Judgment</i>
10/01/2015	Joinder to Opposition to Motion <i>Joinder To Opposition and Notice of Opposition To SFR Investment Pool 1, LLC's Motion For Pre-Trial Coordination on Order Shortening Time</i>
10/08/2015	Opposition to Motion in Limine <i>Opposition to SFR Investments Pool 1, LLC's Motion in Limine to Exclude Expert</i>
10/14/2015	Reply in Support <i>SFR Investments Pool 1, LLC's Reply in Support of Motion for Summary Judgment, Motion to Strike Counter-motion for Summaary Judgment, and Opposition to Counter-motion for summary judgment</i>
10/15/2015	Reply in Support <i>Bank of America, NA AND Nationstar Mortgage, LLC's Reply in Support of Counter-motion for Summary Judgment and Opposition to Motion to Strike</i>
10/16/2015	Pre-Trial Disclosure <i>SFR Investments Pool 1, LLC's Pre-Trial Disclosures</i>
10/21/2015	Motion for Summary Judgment (8:30 AM) (Judicial Officer Bixler, James) <i>SFR Investments Pool 1, LLC's Motion for Summary Judgment</i> <i>10/14/2015 Reset by Court to 10/21/2015</i> Result: Motion Granted
10/21/2015	Counter-motion (8:30 AM) (Judicial Officer Bixler, James) <i>Bank of America, N.A., as Successor By Merger To BAC Home Loans Servicing, LP fka Countrywide Home Loans, Inc. and Nationstar Mortgage, LLC's Counter-motion For Summary Judgment</i> <i>10/14/2015 Reset by Court to 10/21/2015</i> Result: Motion Denied
10/21/2015	All Pending Motions (8:30 AM) (Judicial Officer Bixler, James) Parties Present Minutes
	Result: Matter Heard
10/28/2015	CANCELED Motion in Limine (8:30 AM) (Judicial Officer Bixler, James) <i>Vacated</i> <i>SFR Investments Pool 1, LLC's Motion in Limine to Strike Bank's Expert</i>
10/29/2015	Recorders Transcript of Hearing <i>Recorder's Transcript of Hearing Re All Pending Motions October 21, 2015</i>
11/04/2015	CANCELED Calendar Call (9:00 AM) (Judicial Officer Villani, Michael) <i>Vacated - per Law Clerk</i>
11/10/2015	Order Granting <i>Order Granting SFR Investments Pool 1, LLC's Motion for Summary Judgment and Denying Bank of America, N.A. and Nationstar Mortgage, LLC's Counter-motion for Summary Judgment</i>
11/10/2015	Notice of Entry of Order <i>Notice of Entry of Order Granting SFR Investments Pool 1, LLC's Motion for Summary Judgment and Denying Bank of America, N.A. and Nationstar Mortgage, LLC's Counter-motion for Summary Judgment</i>
11/16/2015	CANCELED Bench Trial (9:00 AM) (Judicial Officer Villani, Michael) <i>Vacated - per Law Clerk</i>
12/09/2015	Notice of Appeal <i>Notice of Appeal</i>
12/09/2015	Case Appeal Statement <i>Case Appeal Statement</i>
12/16/2015	Notice of Change of Address <i>Notice of Change of Address and Notice of Change of Firm Name</i>
12/28/2015	Request <i>Request for Transcript of Proceedings</i>
07/19/2017	Status Check (8:30 AM) (Judicial Officer Villani, Michael) <i>Status Check: Supreme Court Remand</i> Parties Present Minutes
	Result: Matter Heard
07/28/2017	NV Supreme Court Clerks Certificate/Judgment -Remanded <i>Nevada Supreme Court Clerk's Certificate Judgment - Reversed and Remand</i>
08/01/2017	Recorders Transcript of Hearing <i>Transcript of Proceedings Status Check: Supreme Court Remand</i>
11/15/2017	Motion for Summary Judgment <i>Nationstar Mortgage, LLC's Renewed Motion For Summary Judgment</i>
11/16/2017	Motion for Summary Judgment

12/11/2017	<i>SFR Investments Pool 1, LLC's Motion for Summary Judgment</i> Motion
12/12/2017	<i>Nationstar Mortgage, LLC's Motion To Reopen Discovery</i> Stipulation and Order
12/14/2017	<i>Stipulation and Order to Extend Time to File Oppositions to Motions for Summary Judgment</i> Opposition and Countermotion
12/14/2017	<i>SFR Investments Pool 1, LLC's Opposition to Nationstar Mortgage, LLC's Motion for Summary Judgment and Counter Motion to Strike</i> Opposition to Motion For Summary Judgment
12/20/2017	<i>Nationstar Mortgage, LLC's Response in Opposition to SFR Investment Pool 1, LLC's Motion for Summary Judgment</i> Notice of Entry of Stipulation and Order
12/26/2017	<i>Notice Of Entry Of Stipulation And Order To Extend Time To Dile Oppositions To Motions For Summary Judgment</i> Notice of Intent
12/28/2017	<i>Notice of Intent to Reply in Support of Motion for Summary Judgment and to Oppose Countermotion To Strike</i> Reply in Support
12/29/2017	<i>SFR Investments Pool 1, LLC's Reply in Support of its Motion for Summary Judgment</i> Errata
12/29/2017	<i>Errata of Notice of Intent to Reply in Support of Motion for Summary Judgment and to Oppose Countermotion to Strike</i> Opposition
01/03/2018	<i>SFR Investments Pool 1, LLC s Opposition to Nationstar Mortgage, LLC s Motion to Reopen Discovery</i> Motion for Summary Judgment (8:30 AM) (Judicial Officer Villani, Michael)
01/03/2018	01/03/2018, 01/17/2018 <i>Third Party Defendant Nationstar Mortgage, LLC's Renewed Motion For Summary Judgment</i> Result: Matter Continued
01/03/2018	Motion for Summary Judgment (8:30 AM) (Judicial Officer Villani, Michael)
01/03/2018	01/03/2018, 01/17/2018 <i>Defendant SFR Investments Pool 1 LLC's Motion for Summary Judgment</i> Result: Matter Continued
01/03/2018	Opposition and Countermotion (8:30 AM) (Judicial Officer Villani, Michael)
01/03/2018	01/03/2018, 01/17/2018 <i>Defendant SFR Investments Pool 1, LLC's Opposition to Nationstar Mortgage, LLC's Motion for Summary Judgment and Counter Motion to Strike</i> Result: Matter Continued
01/03/2018	All Pending Motions (8:30 AM) (Judicial Officer Villani, Michael) Parties Present Minutes Result: Matter Heard
01/08/2018	Notice of Change of Address <i>Notice Of Change Of Address</i>
01/08/2018	Errata <i>Nationstar Mortgage LLC s Errata To Motion For Summary Judgment</i>
01/09/2018	Reply in Support <i>Reply in Support of Motion to Reopen Discovery</i>
01/10/2018	Reply in Support <i>Nationstar's Reply In Support Of Motion For Summary Judgment And To Oppose Countermotion To Strike</i>
01/11/2018	Motion <i>Nationstar Mortgage LLC's Motion to Reopen Discovery</i>
01/12/2018	Reply in Support <i>SFR Investments Pool 1, LLC s Reply in Support Of Countermotion to Strike</i>
01/17/2018	CANCELED Motion (3:00 AM) (Judicial Officer Villani, Michael) <i>Vacated - per Law Clerk</i> <i>Third Party Defendant Nationstar Mortgage LLC's Motion to Reopen Discovery</i>
01/17/2018	All Pending Motions (8:30 AM) (Judicial Officer Villani, Michael) Parties Present Minutes Result: Matter Heard
01/23/2018	Recorders Transcript of Hearing <i>Transcript of Proceedings All Pending Motions Heard on January 17, 2018</i>
01/31/2018	Decision (3:00 AM) (Judicial Officer Villani, Michael) <i>Third Party Defendant Nationstar Mortgage, LLC's Renewed Motion For Summary Judgment Defendant SFR Investments Pool 1, LLC's Opposition to Nationstar Mortgage, LLC's Motion for Summary Judgment and Counter Motion to Strike</i> Minutes Result: Minute Order - No Hearing Held
02/01/2018	Opposition <i>SFR Investments Pool 1, LLC'S Opposition to Nationstar Mortgage, LLC'S Motion to Reopen Discovery</i>
02/07/2018	Reply in Support <i>Reply in Support of Moiton to Reopen Discovery</i>
02/14/2018	CANCELED Motion (9:00 AM) (Judicial Officer Bulla, Bonnie) <i>Vacated - per Letter</i> <i>Nationstar Mortgage LLC's Motion to Reopen Discovery</i>
04/11/2018	Order Granting <i>Order Granting Nationstar Mortgage LLC's Renewed Motion for Summary Judgment</i>
04/11/2018	Notice of Entry of Judgment <i>Notice Of Entry Order Granting Nationstar Mortgage Llc s Renewed Motion For Summary Judgment</i>
05/14/2018	Notice of Appeal <i>Notice of Appeal</i>
05/14/2018	Case Appeal Statement <i>Case Appeal Statement</i>
05/14/2018	Amended Notice of Appeal <i>Amended Notice of Appeal</i>
05/14/2018	Amended Case Appeal Statement <i>Amended Case Appeal Statement</i>
01/07/2019	Case Reassigned to Department 18

Judicial Reassignment - From Judge Villani to Judge Holthus

FINANCIAL INFORMATION

Counter Claimant Nevada Association Services, Inc.			
	Total Financial Assessment		223.00
	Total Payments and Credits		223.00
	Balance Due as of 02/08/2019		0.00
08/12/2013	Transaction Assessment		223.00
08/12/2013	Efile Payment	Receipt # 2013-97130-CCCLK	(223.00)
		Nevada Association Services, I	
Counter Claimant SFR Investments Pool 1 LLC			
	Total Financial Assessment		782.00
	Total Payments and Credits		782.00
	Balance Due as of 02/08/2019		0.00
08/05/2013	Transaction Assessment		223.00
08/05/2013	Efile Payment	Receipt # 2013-94418-CCCLK	(223.00)
08/05/2013	Transaction Assessment		135.00
08/05/2013	Efile Payment	Receipt # 2013-94419-CCCLK	(135.00)
09/08/2015	Transaction Assessment		200.00
09/08/2015	Efile Payment	Receipt # 2015-94688-CCCLK	(200.00)
11/17/2017	Transaction Assessment		200.00
11/17/2017	Efile Payment	Receipt # 2017-86821-CCCLK	(200.00)
05/14/2018	Transaction Assessment		24.00
05/14/2018	Efile Payment	Receipt # 2018-32583-CCCLK	(24.00)
		SFR Investments Pool 1 LLC	
Counter Defendant Countrywide Home Loans Inc			
	Total Financial Assessment		623.00
	Total Payments and Credits		623.00
	Balance Due as of 02/08/2019		0.00
10/08/2014	Transaction Assessment		223.00
10/08/2014	Efile Payment	Receipt # 2014-114955-CCCLK	(223.00)
09/29/2015	Transaction Assessment		200.00
09/29/2015	Efile Payment	Receipt # 2015-102740-CCCLK	(200.00)
11/16/2017	Transaction Assessment		200.00
11/16/2017	Efile Payment	Receipt # 2017-86408-CCCLK	(200.00)
		Countrywide Home Loans Inc	
Counter Defendant Gutierrez, Ignacio			
	Total Financial Assessment		270.00
	Total Payments and Credits		270.00
	Balance Due as of 02/08/2019		0.00
07/08/2013	Transaction Assessment		270.00
07/08/2013	Efile Payment	Receipt # 2013-81817-CCCLK	(270.00)
		Gutierrez, Ignacio	
Counter Defendant Nationstar Mortgage LLC			
	Total Financial Assessment		247.00
	Total Payments and Credits		247.00
	Balance Due as of 02/08/2019		0.00
08/29/2013	Transaction Assessment		223.00
08/29/2013	Efile Payment	Receipt # 2013-105386-CCCLK	(223.00)
12/09/2015	Transaction Assessment		24.00
12/09/2015	Efile Payment	Receipt # 2015-127720-CCCLK	(24.00)
		Nationstar Mortgage LLC	
Defendant Horizon Heights Homeowners Association			
	Total Financial Assessment		223.00
	Total Payments and Credits		223.00
	Balance Due as of 02/08/2019		0.00
08/06/2013	Transaction Assessment		223.00
08/06/2013	Efile Payment	Receipt # 2013-94901-CCCLK	(223.00)
		Horizon Heights Homeowners Ass	

IN THE SUPREME COURT OF NEVADA

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

Appellant,

vs.

NATIONSTAR MORTGAGE, LLC,
A DELAWARE LIMITED
LIABILITY COMPANY,

Respondent.

Electronically Filed
Feb 11 2019 10:41 a.m.
Elizabeth A. Brown
Clerk of Supreme Court
Case No. 75890

APPEAL

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

**RESPONDENT'S MOTION TO DISMISS AND FOR A STAY OF
SUBSTANTIVE BRIEFING**

MELANIE D. MORGAN, ESQ.
Nevada Bar No. 8215
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Attorneys for Respondent

Respondent Nationstar Mortgage LLC (**Nationstar**) respectfully moves this Court to dismiss Appellant SFR Investments Pool 1, LLC's (**SFR's**) appeal for lack of jurisdiction, because SFR filed its notice of appeal after the 30-day period for doing so expired. Nationstar also respectfully requests, as a matter of efficiency, that merits briefing and briefing on SFR's motion to supplement the record be stayed until the Court has ruled on this Motion.

PROCEDURAL HISTORY

SFR seeks to appeal a district court order granting Nationstar's motion for summary judgment and denying SFR's motion for summary judgment. (Vol. V, JA_1120.) Notice of entry of judgment was electronically filed and served on April 11, 2018. (*Id.* at JA_1122-23.) SFR has confirmed in filings before this Court that the order was entered on April 11, 2018, (*id.* at JA_1137 (Notice of Appeal)) and that a notice of entry of judgment was electronically served the same day (*id.* at JA_1141 (Amended Case Appeal Statement)). The district court's docket confirms that the notice was served electronically and made available the same day it was filed—April 11, 2018. (Ex. A.) SFR filed a notice of appeal on May 14, 2018, thirty-three days after the notice of entry of judgment was filed and served. (*Id.* at JA_1136-37.)

ARGUMENT

I. The Court Lacks Jurisdiction Over This Appeal

The Nevada Rules of Appellate Procedure require a prospective appellant to file a notice of appeal within thirty days after electronic service of a notice of entry of judgment, and this Court has "consistently held that the timely filing of a notice of appeal is mandatory and jurisdictional." *Ford v. Showboat Operating Co.*, 877 P.2d 546, 549 n.4 (Nev. 1994).

SFR's notice of appeal—filed thirty-three days after the district court's notice of entry of judgment was served—is untimely.

This Court's prior unpublished decision in *Dickerson*—which held that Nevada's Rules of *Civil* Procedure provide three additional days beyond the 30-day period the Nevada Rules of *Appellate* Procedure specify for filing a notice of appeal where the underlying notice of entry of judgment was served electronically—is nonbinding, incomplete, and incorrect. Nevada's Rules of Appellate Procedure unambiguously specify the 30-day deadline, and expressly disallow extra time when service is made electronically.

Because SFR's notice of appeal is untimely, this Court lacks jurisdiction and must dismiss the appeal.

A. SFR's Notice of Appeal is Untimely

Nevada's Rules of Appellate Procedure are simple and straightforward. NRAP 3(a)(1) provides that "an appeal permitted by law from a district court may

be taken only by filing a notice of appeal with the district court clerk *within the time allowed by Rule 4.*" (emphasis added). Under NRAP 4(a)(1), the notice of appeal must be filed "no later than 30 days after the date that written notice of entry of the judgment or order appealed from is served."

NRAP 26 provides the "rules" for "computing any period of time specified in these Rules." NRAP 26(a). One such "rule," NRAP 26(c), states that "[w]hen a party is required or permitted to act within a prescribed period after a paper is served on that party, 3 calendar days are added to the prescribed period *unless the paper is delivered on the date of service stated in the proof of service or unless the party being served is a registered user of the electronic filing system.*" NRAP 26(c) (emphasis added). Nothing in Rule 26 limits its application to appellate papers filed in the Nevada Supreme Court or excludes "the period of time specified in" NRAP 4(a)(1) from its scope. Because the Nevada Rules of Appellate Procedure unambiguously apply to notices of appeal, there is no reason to look to another set of rules—such as the Nevada Rules of Civil Procedure—to supply the appropriate deadline.

The "unless" clause of Rule 26(c) fits this case like a glove. The paper "permit[ing SFR] to act" was the notice of entry of judgment. *See* NRAP 4(a)(1). And SFR's counsel is a registered ECF user. An attorney cannot access the electronic filing system unless he or she is registered. Nev. Elec. Filing &

Conversion R. 13. SFR's counsel has filed and has been served relevant documents in this case through the electronic filing system.¹ (*E.g.*, Vol. V, JA_1073 (serving reply through district court's ECF); JA_1124 (electronically served notice of entry through district court's ECF)). Indeed, if counsel was not registered, Nationstar would have been required to serve all case documents through "traditional means such as mail, express mail, overnight delivery, or facsimile transmission." Nev. Elec. Filing & Conversion R. 9(d). Nationstar electronically filed its documents and relied on the district court ECF system for service; SFR never objected and plainly received all the papers Nationstar filed in the district court. Service by electronic means is "complete upon transmission"—the document is *delivered* to the party at that time. *See* NRAP 25(c)(3). Thus, a notice of entry of judgment is not subject to the three-day extension if it is transmitted electronically on the date of service.

The historical evolution of Nevada's Rules of Appellate Procedure supports this view: In June 2013, the Court *struck* from NRAP 26(c) a clause providing that "a paper that [was] served electronically [was] not treated as delivered on the date of service stated in the proof of service." *In the Matter of Amendment of Nev. R. of App. P. 26*, ADKT 0485 (June 7, 2013). In its place, the Court added the

¹ SFR's counsel was served pursuant to Nevada rules requiring service on a party represented by counsel to be made upon the party's counsel. NRAP 25(b); NRCp 5(b).

"registered user of the electronic filing system" exception to the three-day extension. Separately or together, these changes confirm that electronic service of a paper through Nevada's ECF system—exactly the means by which SFR was served with notice of entry of the Order it purports to appeal here—constitutes delivery on the day of transmission, and that additional days will *not* be added to deadlines triggered by such service.²

The Rules thus provide that a notice of appeal must be filed no later than thirty days after electronic service of the notice of entry of judgment.

B. This Court's Non-Binding Decision in *Dickerson* Is Incomplete and Incorrect

This Court's unpublished decision in *Dickerson v. Downey Brand LLP*, No. 67768, 2017 WL 6316552 (Nev. Dec. 8, 2017), did not consider all the issues raised herein and, in any event, reached the wrong conclusion.

In *Dickerson*, the parties argued over whether the deadline for filing a notice of appeal was thirty days, as provided by NRAP 4(a), or whether Nevada Rule of

² The analogous provision in the Federal Rules of Appellate Procedure was similarly amended to "remove service by electronic means . . . from the modes of service that allow 3 added days to act after being served." Fed. R. App. P. 26(c) Advisory Comm. Notes to the 2016 Amendment. Although electronic service was "virtually instantaneous" when the Rules were amended to allow for electronic service in 2002, there were concerns about slow transmission and incompatibilities between systems that might make it difficult to open attachments, delaying actual delivery. *Id.* The 2016 amendment reflects the view that "[t]hose concerns have been substantially alleviated by advances in technology and widespread skill in using electronic transmission." *Id.*

Civil Procedure (**NRCP**) 6(e) gave the appellant an additional three days to file the notice of appeal. After concluding that neither rule expressly controlled the deadline for filing a notice of appeal, the Court concluded that NRCP 6(e) controls because jurisdiction remained with the district court at the time the notice of appeal was filed. 2017 WL 6316552, at *1. Because neither party raised the argument that NRAP 26(c) exempted electronically served documents from the additional three days to respond, the Court expressly declined to express a view on it. *Id.* at 2* n.4. In addition, although NRAP 26(a) expressly mandates that the Nevada's Rules of *Appellate*—not *Civil*—Procedure govern the computation of "any period of time *specified in these Rules*," the Court omitted any mention of that provision and relied instead on a contrary provision extrinsic to "th[o]se Rules."

Dickerson does not control here. *First*, it is an unpublished decision as to which the Court was sharply divided, in which the majority expressly acknowledges powerful contrary arguments had been waived, and that does not address directly applicable NRAP provisions. As an unpublished order, the decision is not precedential and does not bind any panel of this Court. NRAP 36(c)(2) ("An unpublished disposition . . . does not establish mandatory precedent.").

Second, Nationstar is asserting an argument the appellees in *Dickerson* forfeited—that NRAP 26(c) unambiguously controls. *See* 2017 WL 6316552, at

*2 n.4. The Court in *Dickerson* stated that it had no reason to consider that question. Nationstar is squarely raising the argument that NRAP 26(c) provides the applicable deadlines for filing notices of appeal.

Third, Dickerson cannot be squared with NRAP 26(a)'s express mandate that NRAP 26(c) controls the computation of "any period of time *specified in these Rules*"—i.e., any period set forth in the Rules of *Appellate* Procedure. NRAP 26(a) (emphasis added). That unambiguously includes the 30-day deadline for filing a notice of appeal, which is expressly "specified in" NRAP 4(a)(1). Nevada's Rules of *Civil* Procedure confirm the point, expressly disclaiming any applicability to "[a]ppeals from a district court to the Supreme Court of Nevada." NRCP 81(a). The unambiguous text of the Nevada Rules of Appellate Procedure requires a party filing a notice of appeal to comply with the deadlines and time-computation strictures set forth "*in these rules*"—the NRAP—and do not allow such a party to take refuge in any provision of *other* rules, such as the Nevada Rules of Civil Procedure, that might compute a deadline differently. SFR's notice of appeal was untimely because it was filed more than thirty days after the notice of entry of judgment was filed and served on SFR via the electronic filing system.

C. This Court Has No Jurisdiction Over Untimely Appeals

There is no dispute that the district court filed and served the notice of entry of order from which SFR purports to appeal on April 11, 2018. Nor is there any

question that SFR filed its notice of appeal on May 14, 2018. The interval between those dates is thirty-three days, which exceeds the 30-day period NRAP 4(a)(1) mandates. (*Id.* at JA_1136-37.) Because "the timely filing of a notice of appeal is mandatory and jurisdictional," SFR's appeal must be dismissed. *Ford*, 877 P.2d at 549 n.4; *accord Healy v. Volkswagenwerk Aktiengesellschaft*, 741 P.2d 432, 433 (Nev. 1987) (per curiam) (dismissing case for lack of jurisdiction to hear untimely appeal); *Leventhal v. Pickard*, 432 P.3d 218, at *1 (Nev. Dec. 21, 2018) (unpublished opinion) ("An untimely notice of appeal fails to vest jurisdiction in this court.").

As explained above, Nevada's Rules of Appellate Procedure mandate a 30-day timeframe for filing a notice of appeal following the service of a notice of entry of judgment. That ends the inquiry. But even if the Rules were unclear, this Court cannot construe the Rules in a manner that "extend[s] or limit[s] the jurisdiction of the Supreme Court." NRAP 1(b). The Court must narrowly construe the Rules so as not to overstep its constitutional boundaries. *See Nev. Const. art. 6, § 4* (establishing this Court's jurisdiction). Even the most compelling hardship suffered by a tardy prospective appellant cannot expand the Court's jurisdiction. In any event, there is no legitimate hardship here because SFR is a sophisticated, repeat player that is well aware of the consequences of belatedly filing a notice of appeal. Moreover, SFR should have known from *Dickerson* that

there are compelling arguments that the 30-day interval applies to electronically filed notices of entry of judgment.

II. This Court Should Stay Briefing While The Motion to Dismiss is Pending

Nationstar has established that SFR's brief was untimely filed and thus that this Court lacks jurisdiction to entertain the appeal. Given the substantial probability that this appeal will be dismissed, rendering any briefing unnecessary, in the interest of judicial economy the Court should stay all briefing in this matter until the question of the Court's jurisdiction is resolved.

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CONCLUSION

The Court's jurisdiction is a threshold matter of the utmost importance to the parties and indeed to the Court's authority; Nationstar respectfully submits that a published precedential decision resolving the issue definitively would serve the interests of justice. Nationstar respectfully requests that the Court dismiss SFR's appeal as untimely and stay substantive briefing on the merits and on SFR's motion to supplement the record in the meantime.

DATED February 8th, 2019.

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CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that this motion complies with the formatting requirements of NRAP 27(d), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because this motion has been prepared in a proportionally spaced typeface using Microsoft Word in Times New Roman and 14 point font size.

DATED February 8th, 2019.

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CERTIFICATE OF SERVICE

I certify that I electronically filed on February 8, 2019, the foregoing **RESPONDENT'S MOTION TO DISMISS AND FOR A STAY OF SUBSTANTIVE BRIEFING** with the Clerk of the Court for the Nevada Supreme Court by using the Court's electronic file and serve system. I further certify that all parties of record to this appeal are either registered with the Court's electronic filing system or have consented to electronic service and that electronic service shall be made upon and in accordance with the Court's Master Service List to the following:

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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