

IN THE SUPREME COURT OF NEVADA

JPMORGAN CHASE BANK, N.A., a
national association,

Appellant,

v.

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

Respondent.

Supreme Court No. 77010

District Court Case No. A692304

Electronically Filed
Feb 14 2019 10:43 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

RESPONSE TO ORDER TO SHOW CAUSE

Appellant JPMorgan Chase Bank, N.A. hereby responds to the Court's Order to Show Cause dated January 14, 2019 ("Show Cause Order").

This is a quiet title action arising from a foreclosure sale of a residential property at 3263 Morning Springs Drive, Henderson, Nevada 89074 (the "Property"). In the district court case, respondent SFR Investments Pool 1, LLC ("SFR") filed a motion for summary Judgment on July 7, 2016 and the district court granted SFR's summary judgment motion in an order entered on August 23, 2016 ("2016 Order").

As a result of the 2016 Order, Chase filed a notice of appeal on September 16, 2016 ("First Appeal"). Then, due to intervening case law on point, the parties agreed to remand the First Appeal and submitted to the district court a stipulation and certification, certifying the district court's intent to vacate the 2016 after

remand of the First Appeal. On September 19, 2017, the parties entered a stipulation to dismiss the First Appeal and remand the case to the district court for further consideration. The First Appeal was dismissed on October 3, 2017.

Following the dismissal of the First Appeal, the parties filed new motions for summary judgment, which the district court found in SFR's favor in an August 15, 2018 order ("2018 Order"). Subsequently, Chase filed a second appeal, which is currently pending ("Second Appeal").

In the Show Cause Order, the Court requested that cause show why the current appeal should not be dismissed, citing to a previous August 23, 2016 order that was never vacated by the district court. The Court further noted that although the District Court certified its intent to vacate the 2016 Order, the District Court never officially filed a document to vacate and as such, the order entered on August 23, 2016 still remains the final order in the case.

In order to resolve this issue, the parties entered into a stipulation, which was entered by the district court on February 6, 2019. See Ex. A. In the stipulation and order, the district court vacates the 2016 order and also certifies that the 2018 Order is final for purposes of appeal under N.R.C.P. 54(b). Id. Moreover, to the extent that the Court is concerned about Chase's counterclaim for unjust enrichment, the parties entered into a second stipulation to dismiss the claim, which was signed by the district court and filed on February 12, 2019. See Ex. B.

Based on both these orders, Chase requests that the Nevada Supreme Court not dismiss this appeal for lack of jurisdiction and reset the briefing schedule.

Dated: February 13, 2019.

BALLARD SPAHR LLP

By: /s/ Holly Ann Preist

Abran E. Vigil

Nevada Bar No. 7548

Holly A. Priest

Nevada Bar No. 13226

1980 Festival Plaza Drive, Suite 900

Las Vegas, Nevada 89135

Attorneys for Appellant

CERTIFICATE OF SERVICE

I certify that on February 13, 2019, a copy of the attached **Response to Order to Show Cause**, was served via the Court's electronic filing system to the following parties:

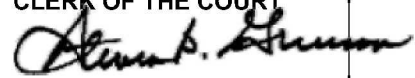
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Attorneys for Respondents

/s/ C. Wells

An Employee of BALLARD SPAHR LLP

EXHIBIT A

EXHIBIT A



NTSO

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*Attorneys for Plaintiff/Counter-
Defendant JPMorgan Chase Bank,
N.A.*

DISTRICT COURT

CLARK COUNTY, NEVADA

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION, a national association,

CASE NO. A-13-692304-C

Plaintiff,

DEPT. NO. XXIV

vs.

SFR INVESTMENTS POOL 1, LLC, a
Nevada Limited Liability company; DOES
1 through 10; and ROE BUSINESS
ENTITIES 1 through 10, inclusive;

Defendants.

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

Counter-Claimant,

vs.

JPMORGAN CHASE BANK N.A.,
NATIONAL ASSOCIATION, a national
association; ROBERT M. HAWKINS, an
individual; CHRISTINE V. HAWKINS, an
individual; DOES 1 10; and ROE
BUSINESS ENTITIES 1 through 10,
inclusive;

Counter-Defendants.

NOTICE OF ENTRY OF STIPULATION AND ORDER

Please take notice that on the 6th day of February 2019, the Clerk of the Court entered the Stipulation and Order in the above mentioned case, a copy of which is attached hereto.

Dated: February 6, 2019.

BALLARD SPAHR LLP

By: /s/ Holly Ann Priest
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*Attorneys for Plaintiff/Counter-Defendant
JPMorgan Chase Bank, N.A.*

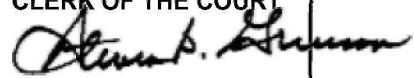
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6th day of February, 2019, and pursuant to N.R.C.P. 5(b), a true and correct copy of the foregoing **NOTICE OF ENTRY OF STIPULATION AND ORDER**, was served via the Court's Odyssey E-File and Serve electronic system on the following parties:

Diana S. Ebron, Esq.
Jacqueline A. Gilbert, Esq.
Karen L. Hanks, Esq.
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Attorneys for Plaintiff

/s/ C. Wells
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13 *Attorneys for Plaintiff/Counter-*
14 *Defendant JPMorgan Chase Bank,*
15 *N.A.*

16 **DISTRICT COURT**

17 **CLARK COUNTY, NEVADA**

18 JPMORGAN CHASE BANK, NATIONAL
19 ASSOCIATION, a national association,

20 Plaintiff,

21 vs.

22 SFR INVESTMENTS POOL 1, LLC, a
23 Nevada Limited Liability company; DOES
24 1 through 10; and ROE BUSINESS
25 ENTITIES 1 through 10, inclusive;

26 Defendants.

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

Counter-Claimant,

vs.

JPMORGAN CHASE BANK N.A.,
NATIONAL ASSOCIATION, a national
association; ROBERT M. HAWKINS, an
individual; CHRISTINE V. HAWKINS, an
individual; DOES 1 10; and ROE
BUSINESS ENTITIES 1 through 10,
inclusive;

Counter-Defendants.

CASE NO. A-13-692304-C

DEPT. NO. XXIV

BALLARD SPAHR LLP
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STIPULATION AND ORDER

Plaintiff/Counter-Defendant JPMorgan Chase Bank, N.A. ("Chase") and Defendant/Counter-Claimant SFR Investments Pool 1, LLC ("SFR" and together with Chase, the "Parties") stipulate as follows:

1. This is a quiet title action arising from a foreclosure sale of a residential property at 3263 Morning Springs Drive, Henderson, Nevada 89074 (the "Property").

2. Chase seeks a declaration that a Deed of Trust recorded against the Property as Instrument 20060612-0003526 survived an HOA foreclosure sale of the Property held on March 1, 2013. SFR seeks a declaration that the Deed of Trust was extinguished.

3. SFR filed a Motion for Summary Judgment on July 7, 2016. Chase filed an opposition on July 26, 2016 and SFR filed a reply on August 1, 2016 ("First MSJ").

4. The Court granted SFR's Motion for Summary Judgment in an order filed August 23, 2016.

5. Chase filed a notice of appeal on September 16, 2016 ("First Appeal").

6. On September 18, 2017, this Court signed and entered a stipulation for certification, certifying its intent to the Nevada Supreme Court to vacate the order on the First MSJs. See Foster v. Dingwall, 126 Nev. Adv. Op. 5, 228 P.3d 453, 454-55 (2010); Huneycutt v. Huneycutt, 94 Nev. 79, 575 P.2d 585 (1978).

7. After the granting of the stipulation for certification, on September 19, 2017, the Parties stipulated to dismiss the First Appeal and remand the case to the District Court for further consideration.

8. On October 3, 2017, the Nevada Supreme Court dismissed the First Appeal and remanded the case to District Court for further proceedings.

9. After the dismissal of the First Appeal, the Parties filed new motions for summary judgment ("Second MSJs"). On August 15, 2018, the Court ruled in SFR's favor on the Second MSJs and the notice of entry of order was entered on August 16, 2018 ("Final Order").

10. Subsequently, Chase filed a second appeal, which is currently pending ("Second Appeal").

11. In the Second Appeal, the Nevada Supreme Court issued an order to show cause on January 14, 2019 ("Show Cause Order"). In the order, the Nevada Supreme Court noted that although the District Court certified its intent to vacate the order on the First MSJs, the District Court never officially filed a document to vacate and as such, the order entered on August 23, 2016 still remains the final order in the case.

12. Accordingly, the Parties ask the Court to vacate the August 23, 2016 summary judgment order for the purpose of addressing the issues in the Order to Show Cause.

13. Further, the Parties agree to certify that the order entered on August 15, 2018, as final for purposes of appeal under N.R.C.P. 54(b).

Dated: January 30, 2019

BALLARD SPAHR LLP

By:

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*Attorneys for Plaintiff/Counter-
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Dated: January 30, 2019

KIM GILBERT EBRON

By:

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*Attorneys for Defendant/Counter-
Claimant SFR Investments Pool 1, LLC*

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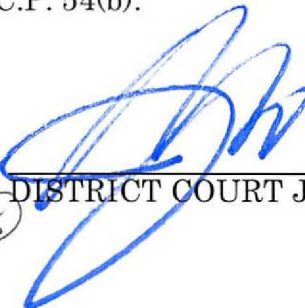
ORDER

Based on the foregoing stipulation between plaintiff/counter-defendant JPMorgan Chase Bank, N.A. and defendant/counter-claimant SFR Investments Pool 1, LLC, and good cause appearing,

THE COURT HEREBY VACATES the order entered on August 23, 2016.

THE COURT FURTHER ORDERS that upon independent review of the papers on file herein and seeing no just cause for delay, the order entered on August 15, 2018 is final for purposes of appeal under N.R.C.P. 54(b).

Dated ^{HB}January 5, 2019.

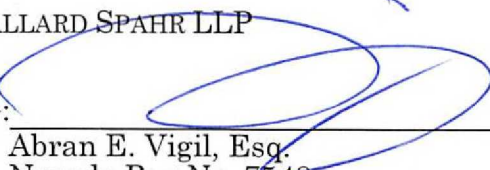


DISTRICT COURT JUDGE

Submitted by:

BALLARD SPAHR LLP

By:

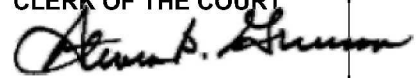

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Attorneys for Plaintiff/Counter-Defendant JPMorgan Chase Bank, N.A.

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EXHIBIT B

EXHIBIT B



NTSO

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DISTRICT COURT

CLARK COUNTY, NEVADA

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION, a national association,

CASE NO. A-13-692304-C

Plaintiff,

DEPT. NO. XXIV

vs.

SFR INVESTMENTS POOL 1, LLC, a
Nevada Limited Liability company; DOES
1 through 10; and ROE BUSINESS
ENTITIES 1 through 10, inclusive;

Defendants.

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

Counter-Claimant,

vs.

JPMORGAN CHASE BANK N.A.,
NATIONAL ASSOCIATION, a national
association; ROBERT M. HAWKINS, an
individual; CHRISTINE V. HAWKINS, an
individual; DOES 1 10; and ROE
BUSINESS ENTITIES 1 through 10,
inclusive;

Counter-Defendants.

**NOTICE OF ENTRY OF STIPULATION AND ORDER DISMISSING THIRD
CAUSE OF ACTION (UNJUST ENRICHMENT) WITH PREJUDICE**

Please take notice that on the 12th day of February 2019, the Clerk of the Court entered the Stipulation and Order Dismissing Third Cause of Action (Unjust Enrichment) with Prejudice in the above mentioned case.

A copy of the Stipulation and Order is attached hereto.

Dated: February 13, 2019.

BALLARD SPAHR LLP

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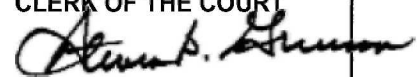
*Attorneys for Plaintiff/Counter-Defendant
JPMorgan Chase Bank, N.A.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 13th day of February, 2019, and pursuant to N.R.C.P. 5(b), a true and correct copy of the foregoing **NOTICE OF ENTRY OF STIPULATION AND ORDER DISMISSING THIRD CAUSE OF ACTION (UNJUST ENRICHMENT) WITH PREJUDICE**, was served via the Court's Odyssey E-File and Serve electronic system on the following parties:

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*Attorneys for Plaintiff/Counter-
8 Defendant JPMorgan Chase Bank,
N.A.*

DISTRICT COURT

CLARK COUNTY, NEVADA

11 JPMORGAN CHASE BANK, NATIONAL
12 ASSOCIATION, a national association,

13 Plaintiff,

14 vs.

15 SFR INVESTMENTS POOL 1, LLC, a
16 Nevada Limited Liability company; DOES
1 through 10; and ROE BUSINESS
ENTITIES 1 through 10, inclusive;

17 Defendants.

18
19 SFR INVESTMENTS POOL 1, LLC a
20 Nevada limited liability company,

21 Counter-Claimant,

22 vs.

23 JPMORGAN CHASE BANK N.A.,
NATIONAL ASSOCIATION, a national
24 association; ROBERT M. HAWKINS, an
individual; CHRISTINE V. HAWKINS, an
25 individual; DOES 1 10; and ROE
BUSINESS ENTITIES 1 through 10,
inclusive;

26 Counter-Defendants.
27
28

CASE NO. A-13-692304-C

DEPT. NO. XXIV

BALLARD SPAHR LLP
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STIPULATION AND ORDER DISMISSING THIRD CAUSE OF ACTION (UNJUST ENRICHMENT) WITH PREJUDICE

Plaintiff/Counter-Defendant JPMorgan Chase Bank, N.A. ("Chase") and Defendant/Counter-Claimant SFR Investments Pool 1, LLC ("SFR" and together with Chase, the "Parties") stipulate and agree to dismiss the third cause of action of Chase's Amended Complaint – unjust enrichment – with prejudice.

This dismissal does not impact Chase's other causes of action, declaratory relief and quiet title, all of which were resolved via the Court's summary judgment order dated August 15, 2018, leaving no open parties or claims unresolved at the District Court level.

It is further stipulated and agreed that the Court may enter an order dismissing such cause of action with prejudice, with each party to bear its own costs.

Dated: February 11, 2019

Dated: February 11, 2019

BALLARD SPAHR LLP

KIM GILBERT EBRON

By: 

By: 

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Claimant SFR Investments Pool 1, LLC*

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ORDER

Based on the foregoing stipulation, the Court hereby order that Plaintiff/Counter-Defendant JPMorgan Chase Bank, N.A.'s third cause of action – unjust enrichment – be dismissed with prejudice and without costs to any party.

It is further ordered that this dismissal order is supplementary to the Court's Findings of Fact and Conclusions of Law dated August 15, 2018 and the Courts order dated February 6, 2019, such that there remain no unresolved claims by any party before this Court.

DATED: this 12 day of February 2019.



DISTRICT COURT JUDGE

(NLS)

Submitted by:

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By:

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