

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

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NOTICE OF SUPPLEMENTAL AUTHORITIES

Appellant JPMorgan Chase Bank, N.A. (“Chase”) respectfully notifies the Court of a pertinent and significant decision issued after Chase filed its briefs: *M&T Bank v. SFR Investments Pool 1, LLC*, --- F.3d ---, 2020 WL 3458978 (9th Cir. June 25, 2020).

Nevada Rule of Appellate Procedure 31(e) authorizes a party to notify the Court of “pertinent and significant authorities [that] come to a party’s attention after the party’s brief has been filed, but before a decision,” and specifies that the notice must “state concisely and without argument the legal proposition for which each supplemental authority is cited” and “provide references to the page(s) of the brief that is being supplemented.” As explained below, *M&T Bank* addresses key issues presented in this appeal and supports legal propositions asserted in Chase’s briefing.

In *M&T Bank*, the Ninth Circuit concluded that an affirmative quiet-title claim invoking the Federal Foreclosure Bar is subject to a six-year limitations period as a matter of federal law. 2020 WL 3458978, at *1 (citing 12 U.S.C. § 4617(b)(12)(A) (the “HERA Limitations Provision)). *First*, the Ninth Circuit confirmed that the HERA Limitations Provision applies to a claim brought by Freddie Mac and its servicer, because Freddie Mac “stands in the shoes of” the FHFA with respect to its current claims to quiet title to the deed of trust, which is property of the conservatorship,” and Freddie Mac’s servicer “stands in the same shoes as its assignor,” Freddie Mac. *Id.* at *2 (citations omitted). *Second*, the Ninth Circuit concluded that under the HERA Limitations Provision, a six-year limitations period for “contract”-like claims, not a three-year limitations period for “tort”-like claims, applied. *See id.* at *3. The court reasoned that the claim was “entirely ‘dependent’ upon Freddie Mac’s lien on the property, an interest created by contract,” and noted that the plaintiffs did not “seek damages or claim a breach of duty resulting in injury to person or property, two of the traditional hallmarks of a tort action.” *Id.* *Third*, the Ninth Circuit held that “even if the question were closer,” it would still apply the six-year period, because federal policy mandates that “[w]hen choosing between multiple potentially-applicable statutes,” the longer limitations

period should apply. *Id.* at *4 (quotation marks and citation omitted).¹ Chase offers the same arguments here—if any limitations period applies to its assertion of the Federal Foreclosure Bar—and the *M&T Bank* decision supplements the authorities cited in Chase’s Opening Brief at pages 31-39 and Chase’s Reply Brief at pages 4-11.

CONCLUSION

Chase respectfully requests that the Court take *M&T Bank* into account when considering the merits of this appeal.

Dated: July 28, 2020.

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¹ The Ninth Circuit conducted substantially the same analysis, and reached the same conclusion, in three other recent decisions. *See Freddie Mac v. SFR Invs. Pool 1, LLC*, --- F. App’x ---, 2020 WL 3469109, at *1 (9th Cir. June 25, 2020); *Nationstar Mortg. LLC v. Keynote Props., LLC*, --- F. App’x ---, 2020 WL 3467977, at *1 (9th Cir. June 25, 2020); *Bourne Valley Ct. Tr. v. Wells Fargo Bank, NA*, --- F. App’x ---, 2020 WL 3467975 (9th Cir. June 25, 2020).

CERTIFICATE OF SERVICE

I certify that on July 28, 2020, I filed the foregoing **Notice of Supplemental Authorities**. Service will be made to the following through the Court's electronic filing system:

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