

Case No. 77010

IN THE SUPREME COURT OF NEVADA

JP MORGAN CHASE BANK,
National Association, a
national association

Appellant,

vs.

SFR INVESTMENTS POOL 1, LLC,

Respondent.

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Suzanne A. Brown
Clerk of Supreme Court
**REPLY IN SUPPORT OF
NOTICE OF SUPPLEMENTAL
AUTHORITIES**

Appellant SFR Investments Pool 1, LLC (“SFR”) hereby submits its reply in support of notice of supplemental authorities. Contrary to JP Morgan Chase’s (“Chase”) contentions, the stays recently issued by the Ninth Circuit based on *Collins* supports the stay SFR has requested here.

First, in its response, Chase claims because the procedural posture of both Ninth Circuit cases is different than the present case, these stays do not support a stay of remittitur in this case. But the procedural posture has no bearing on the substance as to why the stay was granted. The stay was granted in both Ninth Circuit cases because *Collins*¹ may impact the outcome of the cases. The same is true here. In that regard, it is inconsequential that the standard is different i.e. a petition has been filed vs. efficiency for the parties and the court. The driving force is the same;

¹ *Collins v. Mnuchin*, No. 19-422.

there is a pending decision from the U.S. Supreme Court that may impact the present case. Further, as briefed already by SFR, it has met the standard under NRAP 41 for a stay of remittitur.

Second, Chase makes much to do about the fact that the clerk of the court issued the stays in the Ninth Circuit cases. To be clear, SFR file a motion to stay, the Bank/FHFA/GSE opposed the motion, and the clerk issued the stay. Under FRAP 27(b), the court may “authorize its clerk to act on specified types of procedural motions.” According to the Notes of Advisory Committee on Rules, the term “procedural motions” includes “motions which do not substantially affect the rights of the parties or the ultimate disposition of the appeal.” Notes of Advisory Committee on Rules - 1967. As noted by Chase, while motions for reconsideration have been filed in those cases, the Notes to Circuit Rule 27-1 provide motions for reconsideration “are disfavored by the Court and are rarely granted.” Circuit Advisory Committee Note to Rule 27-1. Thus, Chase’s comment “there is reason to believe” the order granting stay will be overturned is unsubstantiated.

Finally, the fact the stay orders were granted in part based on *Collins* does nothing to change the fact that stay is warranted here. The stay SFR requests here is based on both *Collins* and/or *M&T*.² It bears noting, however, that since filing those motions to stay as well as the instant motion to stay, the U.S. Supreme Court

² *SFR Investments Pool 1, LLC v. M&T Bank*, No. 20-908, docketed January 5, 2021.

requested a response to SFR's Petition in *M&T*, from the United States and Federal Home Loan Mortgage Corporation, despite both these parties having already notified the Court they waived their right to respond. This request indicates an increased likelihood of a decision on the merits. In light of this request, the U.S. Supreme Court also moved consideration of the companion petition filed by SFR in *SFR Investments Pool 1, LLC v. Federal Home Loan Mortgage Corporation*, 19-907 from the February 26, 2021 conference to an unspecified date. This shows even the U.S. Supreme Court is holding any case involving HERA based on *M&T* and/or *Collins*.

Even assuming respondents in *M&T* take an extension on their response, it is likely briefing will be completed and distributed for consideration by the end of May. Thus, the delay caused by the stay in this case will not last long.

DATED this 1st day of March, 2021.

KIM GILBERT EBRON

/s/ Karen L. Hanks

Karen L. Hanks, Esq.

Nevada Bar No. 9578

7625 Dean Martin Drive, Suite 110

Las Vegas, NV 89139

*Attorneys for SFR Investments Pool 1,
LLC*

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of March, 2021, I filed the foregoing,
REPLY IN SUPPORT OF NOTICE OF SUPPLEMENTAL AUTHORITIES which
shall be served via electronic service from the Court's eFlex system to:

Master Service List

Docket Number and Case Title:	77010 - JPMORGAN CHASE BANK, NAT'L ASS'N VS. SFR INV.'S POOL 1, LLC
Case Category	Civil Appeal
Information current as of:	Sep 17 2020 11:02 a.m.

Electronic notification will be sent to the following:

Jacqueline Gilbert
Karen Hanks
Holly Priest
Matthew Lamb
Joel Tasca
Leslie Hart
John Tennart

/s/ Karen L. Hanks
an employee of Kim Gilbert Ebron

