

IN THE SUPREME COURT OF THE STATE OF NEVADA

JPMORGAN CHASE BANK,  
NATIONAL ASSOCIATION, A  
NATIONAL ASSOCIATION,  
Appellant,

vs.

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

Respondent.

No. 77010

**FILED**

**MAR 19 2021**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *S. Young*  
DEPUTY CLERK

*ORDER GRANTING MOTION TO STAY REMITTITUR*

Respondent has filed a motion to stay issuance of the remittitur pending the United States Supreme Court decisions in *Collins v. Mnuchin*, No. 19-422, and in the petition for certiorari from the Ninth Circuit Court of Appeals in *SFR Investments Pool 1, LLC v. M&T Bank*, No. 20-908. Appellant has filed a response, and respondent has filed a reply.

Appellant argues that this court may only grant a stay of remittitur in limited circumstances under NRAP 41. Appellant argues that respondent has not filed a petition for certiorari to the United States Supreme Court, NRAP 41(b)(3), in this matter. It argues that NRAP 41(b)(3) only applies when a party has filed, or intends to file, a petition for certiorari in the same appeal where they are moving for a stay. Appellant argues that even if this court determines that NRAP 41(b)(3) applies to the petition for certiorari filed in *SFR Investments Pool 1, LLC v. M&T Bank*, that the stay should still be denied as there is little chance that the United

States Supreme Court will grant the petition on the merits. Further, appellant argues that there is no basis to issue a stay based on the United States Supreme Court's decision in *Collins v. Mnuchin*. Appellant finally argues that the equities favor not granting a stay as it would benefit SFR to Freddie Mac's detriment, and denying a stay would not result in irreparable harm to SFR.

Respondent argues in its reply that NRAP 41(b)(3) does not state that a petition for certiorari must be filed in a certain case, and argues that the provision applies generally. It argues that in cases involving HOA legislation, requiring a petition for certiorari to be filed in every case involving a similar issue would be unnecessarily redundant. And it argues that NRAP 41(b)(3) does not provide that this court may deny a stay based on the merits of a petition for certiorari. Respondent further argues that *Collins v. Mnuchin* does have bearing on the present case insofar as it involves a constitutional challenge to the structure of FHFA, which would affect how conservatorships and the Federal Foreclosure Bar are managed. Respondent finally argues that a delay resulting from a stay will not be lengthy, and that if a stay is not granted and *SFR Investments Pool 1, LLC v. M&T Bank* or *Collins v. Mnuchin* is decided in its favor, it would result in unnecessary litigation.

Having considered the motion, response, and reply, this court has determined that there is no basis for a stay of remittitur pending the United States Supreme Court's decision in *Collins v. Mnuchin*, as the issue on appeal in that matter is dissimilar to the issues on appeal here. NRAP 41. And this court declines to address at this time the parties' arguments regarding the applicability of NRAP 41(b)(3). However, this court has determined that in the interests of judicial economy, a stay of remittitur

should be granted for the limited purpose of determining the effect of any action the United States Supreme Court takes in the certiorari proceedings in *SFR Investments Pool 1, LLC v. M&T Bank*. NRAP 41(a)(1). Accordingly, the motion for stay of remittitur is granted to the following extent: within 45 days of the date of this order, respondent shall file a status report with this court regarding the certiorari proceedings in the United States Supreme Court in *SFR Investments Pool 1, LLC v. M&T Bank*. If the certiorari proceedings are resolved prior to the expiration of the 45-day period, respondent shall immediately notify this court in writing. Failure to comply will result in the immediate issuance of the remittitur. The issuance of the remittitur in this appeal shall be stayed pending further order of this court.

It is so ORDERED.

1. J. J. J., C.J.

cc: Chief Judge, Eighth Judicial District Court  
Eighth Judicial District Court, Department 24  
Ballard Spahr LLP/Las Vegas  
Ballard Spahr LLP/Washington DC  
Kim Gilbert Ebron  
Fennemore Craig P.C./Reno  
Eighth District Court Clerk