

IN THE SUPREME COURT OF THE STATE OF NEVADA

U.S. BANK, NATIONAL
ASSOCIATION AS TRUSTEE FOR
MERRILL LYNCH MORTGAGE
INVESTORS TRUST, MORTGAGE
LOAN ASSET-BACKED
CERTIFICATES, SERIES 2005-A8,

Appellant,

vs.

SFR INVESTMENTS POOL 1, LLC,

Respondent.

CASE NO. 79235

Appeal from Eighth Judicial District
Court, Case No.: A-16-139867-C
(Dept. XXXI)

Electronically Filed
Oct 02 2020 04:03 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**APPELLANT'S RESPONSE TO
RESPONDENT'S MOTION TO
STAY BRIEFING**

Appellant, U.S. Bank, National Association As Trustee For Merrill Lynch Mortgage Investors Trust, Mortgage Loan Asset-Backed Certificates, Series 2005-A8 ("U.S. Bank Trustee") hereby submits its response to Respondent SFR Investments Pool 1, LLC's ("SFR") Motion to Stay Briefing pending decision from this Court on the certification of two questions of law in *U.S. Bank, N.A. v. Thunder Properties, Inc.*, No. 17-16399 ("Certified Questions").

U.S. Bank Trustee acknowledges that the answers to the Certified Questions *may* bear on the issues on appeal before this Court. Accordingly, U.S. Bank Trustee does not oppose a stay of the briefing schedule pending answers to the Certified Questions. However, nothing in this response is intended, nor should it be interpreted or construed, as a waiver of any arguments previously raised by U.S.

Bank Trustee concerning the applicable statute(s) of limitations in its Opening Brief, filed on June 15, 2020. Nor is this response intended, nor should it be interpreted or construed, as an admission that any arguments concerning the applicable statute(s) of limitations in the Opening Brief *will* be affected or rendered void or inapplicable by the answers to the Certified Questions. Further, U.S. Bank Trustee expressly reserves its right to seek leave of this Court to supplement its arguments concerning the applicable statute(s) of limitations raised in the Opening Brief once answers to the Certified Questions are entered.

Respectfully submitted this 2nd day of October, 2020.

WRIGHT, FINLAY & ZAK, LLP

/s/ Christina V. Miller, Esq.

Christina V. Miller, Esq.

Nevada Bar No. 12448

Lindsay D. Robbins, Esq.

Nevada Bar No. 13474

7785 W. Sahara Ave., Suite 200

Las Vegas, Nevada 89117

(702) 475-7964; Fax: (702) 946-1345

cmiller@wrightlegal.net

*Attorneys for Appellant, U.S. Bank, National
Association As Trustee For Merrill Lynch
Mortgage Investors Trust, Mortgage Loan
Asset-Backed Certificates, Series 2005-A8*

CERTIFICATE OF SERVICE

I certify that I electronically filed on the 2nd day of October, 2020, the foregoing **APPELLANT'S RESPONSE TO RESPONDENT'S MOTION TO STAY BRIEFING** with the Clerk of the Court for the Nevada Supreme Court by using the CM/ECF system. I further certify that all parties of record to this appeal either are registered with the CM/ECF or have consented to electronic service.

- [X] (By Electronic Service) Pursuant to CM/ECF System, registration as a CM/ECF user constitutes consent to electronic service through the Court's transmission facilities. The Court's CM/ECF systems sends an e-mail notification of the filing to the parties and counsel of record listed above who are registered with the Court's CM/ECF system.

Service via electronic notification will be sent to the following:

Jacqueline Gilbert
Karen Hanks

- [X] (Nevada) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

/s/ Faith Harris
An Employee of WRIGHT, FINLAY & ZAK, LLP