

IN THE SUPREME COURT OF THE STATE OF NEVADA

NATIONSTAR MORTGAGE LLC,

Appellant,

vs.

WEST SUNSET 2050 TRUST,

Respondents.

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Dec 23 2019 03:12 p.m.
Case No. 7927 Elizabeth A. Brown
Clerk of Supreme Court

From the Eighth Judicial District Court, Department XIII
The Honorable Elizabeth Gonzalez, District Judge
District Court Case No. A-13-691323-C

MOTION TO EXTEND TIME TO FILE
OPENING BRIEF AND APPENDIX
(FIRST MOTION)

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Attorneys for Nationstar Mortgage LLC

Nationstar Mortgage LLC respectfully submits this motion, pursuant to NRAP 31(b)(3), requesting this court grant Nationstar's request to extend the time to file its opening brief and appendix. Nationstar requests a 30-day extension, up to and including January 29, 2020.

Pursuant to NRAP 31(b)(3)(A), Nationstar submits the following information:

- i. The opening brief is currently due on December 30, 2019.
- ii. Nationstar and respondent West Sunset 2050 Trust stipulated to extend the original deadline of November 25, 2019. The court granted the stipulation and set a deadline of December 30, 2019.
- iii. This is Nationstar's first motion request.
- v. No requests for extension of time have been denied.
- vi. Counsel for West Sunset 2050 does not oppose this extension request.
- vii. Good cause exists to extend the time to file the opening brief and appendices. First, this is a unique NRS 116 appeal arising out of a 3-day trial. Issues include, but are not limited to: pre-sale 1st 100 payment, failure to mail a notice of default, equity under *Shadow Canyon*, and a pre-trial ruling regarding evidence of Freddie Mac's loan ownership. This combination of issues and judgment in favor of West Sunset 2050 requires Nationstar to spend more time than usual to draft an opening brief.

Second, Akerman LLP recently underwent a staffing change, requiring undersigned counsel to take on additional NRS 116 cases in state and federal court. These cases, many of which recently came off *Bourne Valley* stays in both the federal district court and 9th Circuit Court of Appeals, have hindered counsel's ability to finalize the brief by the deadline.

And third, counsel is unable finalize the brief before the deadline due to other time-sensitive obligations, including drafting summary judgments briefs, attending hearings, partaking in discovery, assisting with numerous trials, and drafting other appellate briefs in NRS 116 litigation. These other obligations, coupled the staffing change and unique appellate issues, render Nationstar unable to file the opening brief by the deadline.

vii. Nationstar requests a 30-day extension up to including, January 29, 2020, to file its opening brief and appendix. This request is made in good faith and not for delay.

DATED this 23rd day of December, 2019.

AKERMAN LLP

/s/ Scott R. Lachman

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CERTIFICATE OF SERVICE

I certify that I electronically filed on December 23, 2019, the foregoing **MOTION TO EXTEND TIME TO FILE OPENING BRIEF AND APPENDIX (FIRST MOTION)** with the Clerk of the Court for the Nevada Supreme Court by using the Court's electronic file and serve system. I further certify that all parties of record to this appeal are either registered with the Court's electronic filing system or have consented to electronic service and that electronic service shall be made upon and in accordance with the Court's Master Service List.

I declare that I am employed in the office of a member of the bar of this Court at whose discretion the service was made.

/s/ Carla Llarena

An employee of AKERMAN LLP