

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

NATIONSTAR MORTGAGE LLC,

Appellant,

vs.

WEST SUNSET 2050 TRUST,

Respondents.

Electronically Filed  
Jan 23 2020 04:58 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

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**MOTION TO EXTEND TIME TO FILE**  
**OPENING BRIEF AND APPENDIX**  
**(SECOND MOTION)**

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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 February 28, 2020.

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

- i. The opening brief is currently due on January 29, 2020.
- 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. Nationstar then filed a motion to extend. The court granted the motion and set a deadline of January 29, 2020.
- iii. This is Nationstar's second 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 with a remand from this court. *See West Sunset 2050 Trust v. Nationstar Mortg., LLC*, 134 Nev. 352, 420 P.3d 1032 (2018). The opening brief has taken undersigned counsel longer than expected to draft due to the voluminous issues, including but not limited to: equity under *Shadow Canyon*, a pre-sale fraudulent conveyance by the borrower, a pre-sale 1st 100 payment, issues surrounding *Edelstein* and the First 100

factoring agreement, bona fide purchaser, failure to mail a notice of default to Bank of America and resulting prejudice, and a pre-trial ruling regarding evidence of Freddie Mac's loan ownership. The combination of issues and judgment in favor of West Sunset 2050 requires counsel to spend more time than usual to draft an opening brief. Counsel is also preparing appendices with documents from 2013 through 2019, including trial transcripts and exhibits.

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 9<sup>th</sup> Circuit Court of Appeals, have hindered counsel's ability to finalize the brief by the deadline. Akerman recently hired a new associate who will assist with NRS 116 cases, including appeals before this court.

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, preparing for jury trial, and drafting other appellate briefs in NRS 116 litigation. These other obligations, coupled the staffing change and unique and voluminous appellate issues, render Nationstar unable to file the opening brief by the deadline.

vii. Nationstar requests a 30-day extension up to including, February 28, 2020, to file its opening brief and appendix. This request is made in good faith and not for delay.

DATED this 23<sup>rd</sup> day of January, 2020.

**AKERMAN LLP**

*/s/ Scott R. Lachman*

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### **CERTIFICATE OF SERVICE**

I certify that I electronically filed on January 23, 2020, the foregoing **MOTION TO EXTEND TIME TO FILE OPENING BRIEF AND APPENDIX (SECOND 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