

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

NATIONSTAR MORTGAGE LLC,

Appellant,

vs.

WEST SUNSET 2050 TRUST,

Respondents.

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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 REPLY BRIEF**  
**(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 reply. Nationstar requests a 30-day extension, up to and including September 2, 2020.

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

- i. The reply brief is currently due on August 3, 2020.
- ii. Nationstar and respondent West Sunset 2050 Trust stipulated to extend the original deadline of June 3, 2020. The court granted the stipulation and set a deadline of July 3, 2020. Nationstar filed an unopposed motion to extend time to file reply brief on July 1, 2020. The court granted the motion and set a deadline of August 3, 2020.
- iii. This is Nationstar's second motion request.
- v. No requests for extension of time have been denied.
- vi. Counsel for West Sunset does not oppose this extension request.
- vii. Good cause exists to extend the time to file the reply brief. First, this is an *extremely* 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 reply 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 First 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, a pre-trial ruling regarding evidence of Freddie Mac's loan ownership, and futility of tender involving Red Rock's rejection practices. The combination of issues, judgment in favor of West Sunset, issues raised in West Sunset's answering brief, and voluminous record requires counsel to spend more time than usual to draft a reply brief.

Second, counsel is unable to finalize the brief before the deadline due to child-care issues caused by the COVID-19 pandemic. Counsel is the primary care-taker for two young children while counsel's wife, a school psychologist, is testing children for special education services for the upcoming school year. Most of this testing was to occur in March-May 2020, and was put on hold due to the pandemic.

vii. Nationstar requests a 30-day extension up to including, September 2, 2020, to file its reply brief. This request is made in good faith and not for delay.

DATED this 28<sup>th</sup> day of July, 2020.

**AKERMAN LLP**

/s/ Scott R. Lachman

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### **CERTIFICATE OF SERVICE**

I certify that I electronically filed on July 28, 2020, the foregoing **MOTION TO EXTEND TIME TO FILE REPLY BRIEF (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