

IN THE SUPREME COURT OF THE STATE OF NEVADA

FEDERAL NATIONAL
MORTGAGE ASSOCIATION,

Appellant,

vs.

WESTLAND LIBERTY VILLAGE,
LLC, a Nevada limited liability
company; and WESTLAND
VILLAGE SQUARE, LLC, a Nevada
limited liability company,

Respondents.

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Supreme Court Case No. 82174

District Court Case No. A-20-819412-B

APPEAL

**From the Eighth Judicial District Court
The Honorable Kerry Earley/ The Honorable Mark Denton¹**

**MOTION TO ENLARGE THE PAGE LIMIT OF APPELLANT'S
MOTION TO STAY PENDING APPEAL**

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¹ This challenged order in this matter was issued by Judge Kerry Earley after the case had been transferred to Judge Mark Denton.

Introduction

Appellant, Federal National Mortgage Association (“Fannie Mae”) respectfully requests leave to enlarge the page limit of its concurrently-filed Expedited Motion to Stay Pending Appeal Under NRAP 27(e). That motion seeks to stay portions of the district court’s Order Granting Westland’s Motion for Preliminary Injunction and Denying Application for Appointment of Receiver (the “Order”). Undersigned counsel recognizes that enlargement of page limits is generally disfavored and seeks such relief exceedingly rarely. However, the circumstances support the requested relief to allow the relevant context and issues to be adequately addressed.

Argument

Nevada Rule of Appellate Procedure 27(d)(2) provides that a motion “shall not exceed 10 pages, unless the court permits or directs otherwise.” Fannie Mae respectfully requests leave from this Court to file their Motion to Stay in excess of that page limit, and up to 25 pages, for the following reasons.

First, a great deal is at stake in the underlying dispute and appeal, and should the district court’s Order not be stayed, Fannie Mae will be irreparably harmed.² The underlying dispute involves multi-family property loans totaling more than \$40

² Fannie Mae will address this more substantively in their Motion to Stay but raises it here also because it justifies enlargement of the page limit.

million. In addition to enjoining the foreclosure of the Properties (a ruling Fannie Mae does not seek to stay), the challenged Order requires Fannie Mae to perform a host of affirmative activity, including rescinding Notices of Default and Demand, immediately disbursing almost \$1.5 million to Respondents,³ and extending credit to Respondents' undisclosed affiliates, all of which is under-secured by a \$1,000 injunction bond.

Second, a fair treatment of the Motion to Stay necessitates an adequate discussion of the challenged provisions. In addition to enjoining the foreclosure sale the Order includes more than ten additional mandatory injunctive relief provisions that must be addressed in turn. Even using best efforts to be concise, a meaningful discussion of the relevant history combined with the legal issues cannot reasonably be accomplished in 10 pages. Indeed, undersigned counsel put forth *substantial* effort to draft a Motion to Stay as concise as possible, and moves for additional pages only upon concluding that Fannie Mae could not adequately present the issues necessary for the Court to make a fully informed decision.

³ This represents the disbursement of more than \$1.1 million from a Reserve Account and refunding approximately \$300,000 in overpayments.

Conclusion

In light of the import of the underlying appeal and the litany of injunctive relief imposed against Fannie Mae, Fannie Mae respectfully requests that the Court permit its concurrently-filed Motion to Stay to be up to 25 pages in length.

DATED: January 8, 2020

SNELL & WILMER L.L.P.

/s/ Kelly H. Dove

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CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On January 8, 2021, I caused to be served a true and correct copy of the foregoing **MOTION TO ENLARGE THE PAGE LIMIT OF APPELLANT’S MOTION TO STAY** upon the following by the method indicated:

- ☐ **BY E-MAIL:** by transmitting via e-mail the document(s) listed above to the e-mail addresses set forth below and/or included on the Court’s Service List for the above-referenced case.
- ☒ **BY ELECTRONIC SUBMISSION:** submitted to the above-entitled Court for electronic filing and service upon the Court’s Service List for the above-referenced case.
- ☐ **BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth below:

/s/ Maricris Williams

An Employee of SNELL & WILMER L.L.P.

4830-9389-8196