

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

FEDERAL NATIONAL MORTGAGE  
ASSOCIATION; AND GRANDBRIDGE  
REAL ESTATE CAPITAL LLC,

Appellants,

vs.

WESTLAND LIBERTY VILLAGE, LLC,  
A NEVADA LIMITED LIABILITY  
COMPANY; AND WESTLAND  
VILLAGE SQUARE, LLC, A NEVADA  
LIMITED LIABILITY COMPANY,

Respondents.

Electronically Filed  
Apr 30 2021 08:47 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court  
Case No. 82174

**APPEAL**

From the Eighth Judicial District Court, Department IV,  
The Honorable Mark R. Denton, District Court Judge  
Case No. A-20-819412-C

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**NOTICE OF RULING GRANTING FEDERAL HOUSING FINANCE  
AGENCY'S MOTION TO INTERVENE IN DISTRICT COURT  
PROCEEDINGS**

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*Attorneys for Proposed Intervenor Federal Housing Finance Agency in its  
capacity as Conservator for the Federal National Mortgage Association*

On March 25, 2021, the Federal Housing Finance Agency (“FHFA”) filed a motion to intervene in this appeal. In its motion, FHFA stated that it had “contemporaneously sought to intervene in the district court action.” Mot. at 4. FHFA moved to intervene in the district court proceedings the following day.

On April 26, 2021, the district court issued an oral ruling granting FHFA’s motion to intervene in the proceedings below. The court also set a date to hear argument on whether any limitations should be placed on FHFA’s intervention. The undersigned counsel hereby submits a true and correct copy of the district court docket reflecting those rulings, attached herewith as **Exhibit A**.<sup>1</sup>

FHFA notes that most of the arguments Westland Liberty Village, LLC and Westland Village Square, LLC make against FHFA’s intervention into this appeal were grounded in the fact that FHFA was not a party to the district court action. *E.g.*, Resp’ts’ Opp’n to FHFA’s Mot. to Intervene at 1 (“there is no mechanism for a non-party to intervene at the appellate level in the first instance”); *id.* at 2-3 (describing *Stephens v. First Nat’l Bank of Nev.*, 64 Nev. 292 (1947) as establishing a rule that non-parties cannot appeal from a district court’s order); *id.* at 4 (arguing that the Rules of Appellate Procedure “do not create a mechanism for a non-party to intervene at the appellate level in the first instance”). FHFA is no longer a non-party to this case. *See Las Vegas Police Protective Ass’n Metro, Inc. v. Eighth Jud. Dist. Ct. ex rel Cty. of Clark*, 122 Nev. 230 (2006) (“Generally, an intervenor is afforded all the rights of a party to the action, including a right to appeal independent from  
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<sup>1</sup> A written order is forthcoming.

that of the original parties.” (internal quotation marks omitted)).

Dated this 30th day of April, 2021.

Respectfully submitted,

FENNEMORE CRAIG, P.C.

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## **CERTIFICATE OF SERVICE**

Pursuant to NEFCR 9(b)(d)(e), I certify that on April 30, 2021, a true and correct copy of the **NOTICE OF RULING GRANTING FEDERAL HOUSING FINANCE AGENCY'S MOTION TO INTERVENE IN DISTRICT COURT PROCEEDINGS**, was transmitted electronically through the Court's e-filing system to the attorney(s) associated with this case. If electronic notice is not indicated through the court's e-filing system, then a true and correct paper copy of the foregoing document was delivered via U.S. Mail.

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| <p>Kelly H. Dove, Esq.<br/>Nathan G. Kanute, Esq. - Reno<br/>Bob L. Olson, Esq.<br/>David L. Edelblute, Esq.<br/>Snell &amp; Wilmer L.L.P.<br/>3883 Howard Hughes Parkway, Suite 110<br/>Las Vegas, NV 89169</p> <p>Joseph G. Went, Esq.<br/>Lars K. Evensen, Esq.<br/>Sydney R. Gambee, Esq.<br/>Holland &amp; Hart L.L.P.<br/>9555 Hillwood Dr., 2<sup>nd</sup> Floor<br/>Las Vegas, NV 89134</p> <p><i>Attorneys for Appellant Federal National<br/>Mortgage Association</i></p> | <p>J. Colby Williams, Esq.<br/>Philip R. Erwin, Esq.<br/>Campbell &amp; Williams<br/>700 S. Seventh St.<br/>Las Vegas, NV 89101<br/>702-382-5222</p> <p>John Benedict, Esq.<br/>The Law Offices of John Benedict<br/>2190 E. Pebble Road, Suite 260<br/>Las Vegas, NV 89123</p> <p>John W. Hofsaess, Esq. (Pro Hac Vice)<br/>Westland Real Estate Group<br/>520 W. Willow St.<br/>Long Beach, CA 90806</p> <p><i>Attorneys for Respondents Westland Liberty<br/>Village, LLC and Westland Village Square</i></p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

/s/ Pamela Carmon  
An Employee of Fennemore Craig, P.C.

18378447

Exhibit A

Exhibit A

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Business Court Matters**

**COURT MINUTES**

**April 26, 2021**

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A-20-819412-B      Federal National Mortgage, Plaintiff(s)  
vs.  
Westland Liberty Village, LLC, Defendant(s)

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**April 26, 2021**

**9:00 AM**

**All Pending Motions**

**HEARD BY:** Denton, Mark R.

**COURTROOM:** RJC Courtroom 03D

**COURT CLERK:** Madalyn Kearney

**RECORDER:** Jennifer Gerold

**PARTIES**

**PRESENT:**

Benedict, John G

Attorney for Westland Village  
Square LLC and Westland Liberty  
Village LLC

Gambee, Sydney R.

Attorney for third Party Defendant

Hart, Leslie Bryan

Attorney for Intervenor

Hofsaess, John W

Attorney for Westland Village  
Square LLC and Westland Liberty  
Village LLC

**JOURNAL ENTRIES**

FEDERAL HOUSING FINANCE AGENCY'S MOTION TO INTERVENE...PLAINTIFF FEDERAL  
NATIONAL MORTGAGE ASSOCIATION'S CONSENT AND JOINDER IN FEDERAL HOUSING  
FINANCE AGENCY'S MOTION TO INTERVENE

Michael Johnson, Esq. present. Counsel present via BlueJeans.

Mr. Hofsaess advised they submitted a Pro Hac Vice Application. Court advised it is going to set a hearing on the Motion to Associate Counsel as there have been more than 5 orders granting Pro Hac Vice admission as to Mr. Johnson and it would like some additional briefing to be submitted. COURT ORDERED, Motion to Associate Counsel (Michael Johnson, Esq.) SET for May 6, 2021 at 9:00 am and supplemental briefing on the Motion to Associate SET:

Supplemental Brief DUE by close of business April 29, 2021.

Supplemental Opposition DUE by close of business May 4, 2021.

Court deemed the Motion to Intervene submitted on the papers. COURT FURTHER ORDERED, Federal Housing Finance Agency's Motion to Intervene GRANTED WITHOUT PREJUDICE to contentions to be made. Colloquy regarding conditions being put on the intervention. COURT ORDERED, matter SET for further proceedings regarding whether or not there should be conditions on the intervention.

5/6/21 9:00 AM MOTION TO ASSOCIATE COUNSEL (MICHAEL JOHNSON, ESQ.)...FURTHER PROCEEDINGS: INTERVENTION CONDITIONS

CLERK'S NOTE: Subsequent to court, Court noted the Joinder to the Motion to Intervene was inadvertently set for May 6th. COURT ORDERED, Plaintiff Federal National Mortgage Association's Consent and Joinder in Federal Housing Finance Agency's Motion to Intervene ADVANCED to today and GRANTED. /mk 4/26/21