

**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.

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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 DISTRICT COURT DECISION**

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Leslie Bryan Hart, Esq. (SBN 4932)  
John D. Tennert, Esq. (SBN 11728)  
FENNEMORE CRAIG, P.C.  
7800 Rancharra Parkway  
Reno, Nevada 89511

*Attorneys for Amicus Curiae Federal Housing Finance Agency*

Amicus curiae the Federal Housing Finance Agency (FHFA) respectfully notifies this Court that the district court has denied FHFA’s motion to dissolve the preliminary injunction at issue here. As a result, responsibility to apply 12 U.S.C. § 4617(f)—which mandates that “no court may take any action to restrain or affect the exercise of powers or functions of [FHFA] as a conservator”—rests unavoidably with this Court.

On June 14, 2021, FHFA, having intervened in the district court proceedings, moved to dissolve the preliminary injunction. FHFA argued that the injunction was void *ab initio* because the court lacked jurisdiction to grant it under 12 U.S.C. § 4617(f). After briefing, the district court heard oral argument on August 2, 2021, and on August 10, 2021, it issued a one-paragraph minute order denying the motion without addressing the substance of FHFA’s arguments. *See* Ex. 1, Minute Order. Instead, the district court directed defendants’ counsel to draft an order for it. *Id.* The minute order states that the district court was “unpersuaded that dissolution of the subject preliminary injunction is warranted” in light of purportedly “extensive development of the issues” earlier in the district court proceedings—despite neither Section 4617(f) nor any other jurisdictional defect having been raised until FHFA’s motion—and because the injunction “is now the subject of extensive litigation on the pending appeal.” *Id.*

Section 4617(f) is clear and simple, and under the U.S. Constitution’s Supremacy Clause, “the judges in every state” are “bound” apply it. U.S. Const.,

Art. VI. Fannie Mae and FHFA have explained to this Court how the injunction restrains and affects FHFA's powers as Conservator, and why the injunction is therefore void. The Court should expeditiously resolve this interlocutory appeal and the parallel writ of prohibition proceeding, *FHFA v. Eighth Jud. Dist Ct.*, No. 82666, by nullifying the injunction.

Dated this 11th day of August, 2021.

Respectfully submitted,

FENNEMORE CRAIG, P.C.

/s/ Leslie Bryan Hart  
Leslie Bryan Hart, Esq. (SBN 4932)  
John D. Tennert, Esq. (SBN 11728)  
7800 Rancharrah Parkway  
Reno, NV 89511  
Tel: 775-788-2228  
Fax: 775-788-2229  
lhart@fclaw.com; jtennert@fclaw.com

*Attorneys for amicus curiae*  
*Federal Housing Finance Agency*

## **CERTIFICATE OF SERVICE**

Pursuant to NEFCR 9(b)(d)(e), I certify that on August 11, 2021, a true and correct copy of the **NOTICE OF DISTRICT COURT DECISION**, was transmitted electronically through the Court's e-filing system to the attorney(s) associated with this case.

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