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8 (Pro Hac Vice submitted)
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15 *Attorneys for Petitioner Federal Housing Finance Agency*

Electronically Filed
Apr 06 2021 03:15 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

17 FEDERAL HOUSING FINANCE AGENCY,
18 in its capacity as conservator for the Federal
19 National Mortgage Association,

20 Petitioner,

21 vs.

22 EIGHTH JUDICIAL DISTRICT COURT,
23 Clark County, Nevada and THE
24 HONORABLE KEARY EARLEY, JUDGE

25 Respondents.

CASE NO. 82666

26 WESTLAND LIBERTY VILLAGE, LLC, a
27 Nevada limited liability company;
28 WESTLAND VILLAGE SQUARE, LLC, a
Nevada limited liability company and
FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Real Parties in Interest

MOTION TO ASSOCIATE COUNSEL

Petitioner Federal Housing Finance Agency ("FHFA") hereby moves the Court for an

1 order permitting Michael A.F. Johnson, Esq., to practice in Nevada pursuant to Nevada Supreme
2 Court Rule 42 (SCR 42). This motion is supported by the attached “Verified Application for
3 Association of Counsel” (Exhibit A), “Certificates of Good Standing” from the Supreme Court
4 of Virginia and the District of Columbia Court of Appeals (Exhibit B), the State Bar of Nevada’s
5 Statement (Exhibit C) and the Affidavit of Michael A.F. Johnson (Exhibit D).
6

7 DATED: April 6, 2021.

8 FENNEMORE CRAIG, P.C.

9 By: /s/ *Leslie Bryan Hart*
10 Leslie Bryan Hart, Esq. (SBN 4932)
11 John D. Tennert, Esq. (SBN 11728)
12 7800 Rancharra Parkway
13 Reno, Nevada 89511
14 Tel: 775-788-2228 Fax: 775-788-2229
15 lhart@fennemorelaw.com;
16 jtennert@fennemorelaw.com

17 ARNOLD & PORTER KAYE SCHOLER LLP

18 By: /s/ *Michael A.F. Johnson*
19 Michael A.F. Johnson, Esq.
20 (*Pro Hac Vice* Submitted)
21 601 Massachusetts Avenue, NW
22 Washington, DC 20001
23 (Tel) 202-942-5000 (Fax) 202-942-5999
24 michael.johnson@apks.com

25 Attorneys for Petitioner Federal Housing
26 Financing Agency
27

CERTIFICATE OF SERVICE

Pursuant to NEFCR 9(b)(d)(e), I certify that on April 6, 2021, a true and correct copy of the **MOTION TO ASSOCIATE COUNSEL**, 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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Joseph G. Went, Esq.
Lars K. Evensen, Esq.
Sydney R. Gambee, Esq.
Holland & Hart L.L.P.
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Las Vegas, NV 89134

*Attorneys for Real Party in Interest
Federal National Mortgage
Association*

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Philip R. Erwin, Esq.
Campbell & Williams
700 S. Seventh St.
Las Vegas, NV 89101

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The Law Offices of John Benedict
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Las Vegas, NV 89123

John W. Hofsaess, Esq. (Pro Hac Vice)
Westland Real Estate Group
520 W. Willow St.
Long Beach, CA 90806

*Attorneys for Real Parties in Interest
and Westland Village Square*

/s/ Pamela Carmon

An Employee of Fennemore Craig, P.C.

Exhibit A

Exhibit A

IN THE SUPREME COURT OF THE STATE OF NEVADA

FEDERAL HOUSING)
FINANCE AGENCY,)
Petitioner,)
v.)
EIGHTH JUDICIAL)
DISTRICT COURT, Clark)
County, Nevada, et al.)
Respondents.)
_____)

CASE NO.: 82666

VERIFIED APPLICATION FOR
ASSOCIATION OF COUNSEL UNDER
NEVADA SUPREME COURT RULE 42

Michael A.F. Johnson, Petitioner, respectfully represents:
First Middle Name Last

1. Petitioner resides at 7207 Chestnut Street
Street Address

Chevy Chase, Montgomery, Maryland, 20815
City County State Zip Code

(301) 656-2352
Telephone

2. Petitioner is an attorney at law and a member of the law firm of: Arnold & Porter Kaye
Scholer LLP

with offices at 601 Massachusetts Ave., NW
Street Address

Washington, n/a, D.C., 20001
City County State Zip Code

(202) 942-5783, michael.johnson@apks.com
Telephone Email

3. Petitioner has been retained personally or as a member of the above named law firm by
The Federal Housing Finance Agency to provide legal representation in
connection with the above-entitled matter now pending before the above referenced court.

IN THE SUPREME COURT OF THE STATE OF NEVADA

FEDERAL HOUSING)
FINANCE AGENCY,)
Petitioner,)
v.)
EIGHTH JUDICIAL)
DISTRICT COURT, Clark)
County, Nevada, et al.)
Respondents.)
_____)

CASE NO.: 82666

VERIFIED APPLICATION FOR
ASSOCIATION OF COUNSEL UNDER
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with offices at 601 Massachusetts Ave., NW
Street Address

Washington, n/a, D.C., 20001
City County State Zip Code

(202) 942-5783, michael.johnson@apks.com
Telephone Email

3. Petitioner has been retained personally or as a member of the above named law firm by
The Federal Housing Finance Agency to provide legal representation in
connection with the above-entitled matter now pending before the above referenced court.

4. Since December of 1998, petitioner has been, and presently is, a member of good standing of the bar of the highest court of the State of the District of Columbia where petitioner regularly practices law.

5. Petitioner was admitted to practice before the following United States District Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States, and/or courts of other states on the dates indicated for each, and is presently a member in good standing of the bars of said Courts:

ADMITTED

DATE

See Attached

6. Is Petitioner currently suspended or disbarred in any court? You must answer yes or no. If yes, give particulars; e.g., court, jurisdiction, date: No

7. Is Petitioner currently subject to any disciplinary proceedings by any organization with authority at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date, status: No

8. Has Petitioner ever received public discipline including, but not limited to, suspension or disbarment, by any organization with authority to discipline attorneys at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date, status: No

9. Has Petitioner ever had any certificate or privilege to appear and practice before any regulatory administrative body suspended or revoked? You must answer yes or no. If yes, give particulars, e.g. date, administrative body, date of suspension or reinstatement: No

10. Has Petitioner, either by resignation, withdrawal, or otherwise, ever terminated or attempted to terminate Petitioner's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings? You must answer yes or no. If yes, give particulars: No

11. Petitioner has filed the following application(s) to appear as counsel under Nevada Supreme Court Rule 42 during the past three (3) years in the following matters, if none, indicate so: (*do not include Federal Pro Hacs*)

<u>Date of Application</u>	<u>Cause</u>	<u>Title of Court Administrative Body or Arbitrator</u>	<u>Was Application Granted or Denied?</u>
<u>See Attached</u>			

(If necessary, please attach a statement of additional applications)

12. Nevada Counsel of Record for Petition in this matter is:

(must be the same as the signature on the Nevada Counsel consent page)

<u>Leslie</u>	<u>Bryan</u>	<u>Hart</u>	<u>4932</u>
First Name	Middle Name	Last Name	NV Bar #

who has offices at Fennemore Craig, P.C.
Firm Name/Company

<u>7800 Rancharrah Parkway</u>	<u>Reno</u>	<u>Washoe</u>
Street Address	City	County

<u>89511</u>	<u>(775) 788-2200</u>
Zip Code	Phone Number

13. The following accurately represents the names and addresses of each party in this matter, WHETHER OR NOT REPRESENTED BY COUNSEL, and the names and addresses of each counsel of record who appeared for said parties: (You may attach as an Exhibit if necessary.)

NAME

MAILING ADDRESS

See Attached

14. Petitioner agrees to comply with the provisions of Nevada Supreme Court Rule 42(3) and (13) and Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of Nevada in accordance with provisions as set forth in SCR 42(3) and (13). Petitioner respectfully requests that Petitioner be admitted to practice in the above-entitled court FOR THE PURPOSES OF THIS MATTER ONLY.

15. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

I, Michael A.F. Johnson, do hereby swear/affirm under penalty of perjury that the
Print Petitioner Name

assertions of this application and the following statements are true:

- 1) That I am the Petitioner in the above entitled matter.
- 2) That I have read Supreme Court Rule (SCR) 42 and meet all requirements contained therein, including, without limitation, the requirements set forth in SCR 42(2), as follows:

- (A) I am not a member of the State Bar of Nevada;
- (B) I am not a resident of the State of Nevada;
- (C) I am not regularly employed as a lawyer in the State of Nevada;

- (D) I am not engaged in substantial business, professional, or other activities in the State of Nevada;
- (E) I am a member in good standing and eligible to practice before the bar of any jurisdiction of the United States; and
- (F) I have associated a lawyer who is an active member in good standing of the State Bar of Nevada as counsel of record in this action or proceeding.

3) That I have read the foregoing application and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to the matter I believe them to be true.

That I further certify that I am subject to the jurisdiction of the Courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada; that I understand and shall comply with the standards of professional conduct required by members of the State Bar of Nevada; and that I am subject to the disciplinary jurisdiction to the State Bar of Nevada with respect to any of my actions occurring in the course of such appearance.

DATED this 25th day of March, 2021.

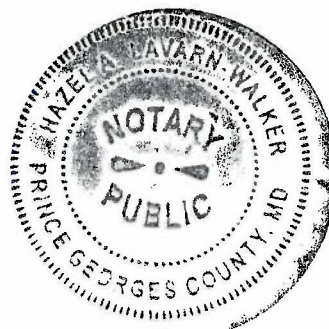


 Petitioner/Affiant (blue ink)

STATE OF MARYLAND
DISTRICT OF COLUMBIA)
Montgomery County) ss

Subscribed and sworn to before me
 this 25th day of March, 2021

Hazel A. Lavan-Walker
 Notary Public



DESIGNATION, CERTIFICATION AND CONSENT OF NEVADA COUNSEL

SCR 42(14) Responsibilities of Nevada attorney of record.

(a) The Nevada attorney of record shall be responsible for and actively participate in the representation of a client in any proceeding that is subject to this rule.

(b) The Nevada attorney of record shall be present at all motions, pre-trials, or any matters in open court unless otherwise ordered by the court.

(c) The Nevada attorney of record shall be responsible to the court, arbitrator, mediator, or administrative agency or governmental body for the administration of any proceeding that is subject to this rule and for compliance with all state and local rules of practice. It is the responsibility of Nevada counsel to ensure that the proceeding is tried and managed in accordance with all applicable Nevada procedural and ethical rules.

I, Leslie Bryan Hart, hereby agree to associate with Petitioner referenced hereinabove

Print Nevada Counsel Name

and further agree to perform all of the duties and responsibilities as required by Nevada Supreme Court Rule 42.

DATED this 23 day of March, 2021.

Leslie B. Hart

Nevada Counsel of Record (blue ink)

STATE OF NEVADA)
) ss
COUNTY OF WASHOE)

Subscribed and sworn to before me
this 23 day of March, 2021.



Diana L. Wheelen
Notary Public

QUESTION 5**Federal Court Admissions**

Court	Admission Date	Active Status & Good Standing?	Bar Number
Supreme Court of the United States	October 5, 2009	Yes	No bar number assigned.
U.S. Court of Appeals for the First Circuit	October 9, 2013	Yes	1160381
U.S. Court of Appeals for the Second Circuit	April 16, 2014	Yes	No bar number assigned.
U.S. Court of Appeals for the Third Circuit	April 29, 2013	Yes	No bar number assigned.
U.S. Court of Appeals for the Fourth Circuit	February 28, 2005	Yes	No bar number assigned.
U.S. Court of Appeals for the Sixth Circuit	May 24, 2012	Yes	No bar number assigned.
U.S. Court of Appeals for the Seventh Circuit	April 12, 2013	Yes	No bar number assigned.
U.S. Court of Appeals for the Eighth Circuit	May 6, 2013	Yes	No bar number assigned.
U.S. Court of Appeals for the Ninth Circuit	July 30, 2013	Yes	No bar number assigned.
U.S. Court of Appeals for the Eleventh Circuit	May 21, 2013	Yes	No bar number assigned.
U.S. Court of Appeals for the District of Columbia Circuit	November 30, 2012	Yes	54497
U.S. Court of Appeals for the Federal Circuit	January 15, 2004	Yes	Attorney Number 054356
U.S. Court of Federal Claims	February 26, 1998	Yes	No bar number assigned.
U.S. District Court for the Eastern District of Virginia	November 3, 2000	Yes	41588
U.S. District Court for the District of Columbia	June 6, 2005	Yes	460879
U.S. District Court for the District of Maryland	February 5, 2007	Yes	16941
U.S. District Court for the Western District of Michigan	January 31, 2012	Yes	No bar number assigned.
U.S. District Court for the Eastern District of Michigan	February 10, 2012	Yes	No bar number assigned.
U.S. District Court for the Eastern District of Wisconsin	October 9, 2012	Yes	No bar number assigned.
U.S. District Court for the Western District of New York	June 26, 2013	Yes	No bar number assigned.

State Court Admissions

Court	Date	Active Status & Good Standing?	Bar Number
District of Columbia Court of Appeals	December 7, 1998	Yes	460879
Supreme Court of Virginia	October 9, 1997	Yes	41588

QUESTION 11

Date of Appl.	Cause	Title of Court Administrative Body or Arbitrator	Was Application Granted or Denied?
8/22/18	Federal National Mortgage Assoc, et al. v. Holm International Properties LLC, et al. Case No. 72933	Supreme Court of the State of Nevada	Granted
8/23/18	Saticoy Bay LLC Series Magic Mesa St Trust,, v. JPMorgan Chase Bank, NA, Case No. 73627	Supreme Court of the State of Nevada	Denied w/o Prejudice
8/23/18	Saticoy Bay LLC Series 338 Flying Colt v. Nationstar Mortgage, LLC Case No. 72286	Supreme Court of the State of Nevada	Denied w/o Prejudice
12/10/18	Saticoy Bay LLC-Series 7549 Lintwhite St. v. Federal National Mortgage Assoc., et al. Case No. A-18-785034-C	District Court Clark County, Nevada	Granted
5/2/19	The Eagle and the Cross, LLC v. Bank of America, N.A., et al. Case No. 76305	Supreme Court of the State of Nevada	Granted
5/8/19	Chao Ma v. JPMorgan Chase Bank, N.A. Case No. 75398	Supreme Court of the State of Nevada	Granted
Filed contemporaneously with instant application	Federal National Mortgage Assoc. v. Westland Liberty Village, LLC, et al. Case No. 82174	Supreme Court of the State of Nevada	Pending
Filed contemporaneously with instant application	Federal National Mortgage Assoc. v. Westland Liberty Village, LLC, et al. Case No. A-20-819412-B	District Court Clark County, Nevada	Pending

QUESTION 13

PARTIES

COUNSEL FOR APPELLANT FEDERAL HOUSING FINANCE AGENCY:

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John D. Tennert, Esq.
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775-788-2228

(*Pro Hac Vice* to be submitted)
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michael.johnson@apks.com

COUNSEL FOR RESPONDENT EIGHTH JUDICIAL DISTRICT COURT and THE HONORABLE KERRY FARLEY:

COUNSEL FOR REAL PARTIES IN INTEREST WESTLAND LIBERTY VILLAGE, LLC and WESTLAND VILLAGE SQUARE, LLC:

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Philip R. Erwin, Esq.
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John W. Hofsaess, Esq. (Pro Hac Vice)
Westland Real Estate Group
520 W. Willow St.
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**COUNSEL FOR REAL PARTIES IN INTEREST the FEDERAL NATIONAL
MORTGAGE ASSOCIATION:**

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Nathan G. Kanute, Esq. - Reno
Bob L. Olson, Esq.
David L. Edelblute, Esq.
Snell & Wilmer L.L.P.
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Joseph G. Went, Esq.
Lars K. Evensen, Esq.
Sydney R. Gambee, Esq.
Holland & Hart L.L.P.
9555 Hillwood Dr., 2nd Floor
Las Vegas, NV 89134

Exhibit B

Exhibit B

Supreme Court of Virginia

AT RICHMOND

Certificate

I, Douglas B. Robelen, Clerk of the Supreme Court of Virginia,
do hereby certify that
Michael Alexander Johnson
was admitted to practice as an attorney and counsellor at the bar of this Court on
October 27, 1997.

I further certify that so far as the records of this office are
concerned, Michael Alexander Johnson is a member of the bar of this Court
in good standing.

Witness my hand and seal of said Court

This 26th day of March

A.D. 2021

By: 

Deputy Clerk



On behalf of JULIO A. CASTILLO, Clerk of the District of Columbia Court of Appeals,
the District of Columbia Bar does hereby certify that

Michael A Johnson

was duly qualified and admitted on December 7, 1998 as an attorney and counselor entitled to
practice before this Court; and is, on the date indicated below, a(n)
ACTIVE member in good standing of this Bar.

In Testimony Whereof,
I have hereunto subscribed my
name and affixed the seal of this
Court at the City of
Washington, D.C., on March
22, 2021.

Julio A. Castillo

JULIO A. CASTILLO
Clerk of the Court

A handwritten signature in black ink, appearing to read "Michael A. Johnson".

Issued By:
District of Columbia Bar Membership

For questions or concerns, please contact the D.C. Bar Membership Office at 202-626-3475 or email
memberservices@dcbar.org.

Exhibit C

Exhibit C

1 STAT

2
3 IN THE SUPREME COURT OF THE STATE OF NEVADA

4 Case No. 82666

5
6 Federal National Mortgage
7 Assoc.

8 vs.

9 Eighth Judicial District
10 Court, Clark County, Nevada

11 STATE BAR OF NEVADA STATEMENT PURSUANT TO SUPREME COURT RULE
12 42 (3) (b)

13 THE STATE BAR OF NEVADA, in response to the application of
14 Petitioner, submits the following statement pursuant to SCR42(3):

15 SCR42(6)**Discretion.** The granting or denial of a motion to associate
16 counsel pursuant to this rule by the court is discretionary. The
17 court, arbitrator, mediator, or administrative or governmental
18 hearing officer may revoke the authority of the person permitted to
19 appear under this rule. Absent special circumstances, repeated
20 appearances by any person or firm of attorneys pursuant to this rule
21 shall be cause for denial of the motion to associate such person.

22 (a) **Limitation.** It shall be presumed, absent special
23 circumstances, and only upon showing of good cause, that
24 more than 5 appearances by any attorney granted under
25 this rule in a 3-year period is excessive use of this
26 rule.

27 (b) **Burden on applicant.** The applicant shall have the
28 burden to establish special circumstances and good cause
for an appearance in excess of the limitation set forth
in subsection 6(a) of this rule. The applicant shall set
forth the special circumstances and good cause in an
affidavit attached to the original verified application.

1. DATE OF APPLICATION: 3/30/2021

2. APPLYING ATTORNEY: Michael Alexander Johnson, Esq.

///
///
///

- 1 3. FIRM NAME AND ADDRESS: Arnold & Porter Kaye Scholer, LLP, 601
2 Massachusetts Ave., NW, Washington, DC 20001
- 3 4. NEVADA COUNSEL OF RECORD: Leslie B Hart, Esq., Fennemore Craig,
4 P.C., 7800 Rancharrah Parkway, Reno, NV 89511
- 5 5. In addition to the present application, petitioner made the
6 following previous applications within the last three years:

7 3/30/2021 FILED SIMULTANEOUSLY

8 3/29/2021 ADMISSION PENDING

9 5/7/2019 ADMISSION STATUS NOT REPORTED TO THE STATE BAR

10 5/1/2019 ADMISSION STATUS NOT REPORTED TO THE STATE BAR

11 12/6/2018 ADMISSION GRANTED

12 8/14/2018 ADMISSION GRANTED

13 8/14/2018 ADMISSION DENIED

14 8/14/2018 ADMISSION GRANTED

15 8/14/2018 ADMISSION DENIED

16 DATED this April 2, 2021

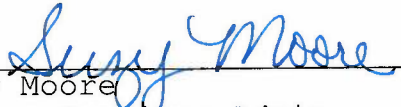
17 
18 Suzy Moore
19 Member Services Admin.
20 Pro Hac Vice Processor
21 STATE BAR OF NEVADA
22
23
24
25
26
27
28

Exhibit D

Exhibit D

AFFIDAVIT OF MICHAEL A.F. JOHNSON
(Nev. Sup. Ct. Case No. 82666)

STATE OF NEVADA)
) SS:
COUNTY OF WASHOE)

I, Michael A.F. Johnson, being first duly sworn, do hereby swear under penalty of perjury the laws of the State of Nevada as follows:

1. I am over the age of 21 years. The statements I offer in this affidavit are true and correct to the best of my knowledge, information, and belief.

2. I have personal knowledge of each of the matters stated herein and could testify competently to the same under oath in a court of law if called upon to do so.

3. I submit this affidavit to support my Verified Application for Association of Counsel Under Supreme Court Rule 42.

4. Supreme Court Rule 42(6)(a) provides, as a general rule, “that absent special circumstances, and only upon a showing of good cause, that more than 5 appearances by any attorney granted under this Rule in a 3-year period is excessive use of this rule.” Supreme Court Rule 42(6)(b) provides that the applicant “shall have the burden to establish special circumstances and good cause for an appearance in excess of the limitation set forth in subsection 6(a) of this rule.” The applicant shall set forth the special circumstances and good cause in an affidavit attached to the original verified application.

5. I believe that special circumstances and good cause exist to support my appearance in this case.

6. I am an attorney with the law firm of Arnold & Porter Kaye Scholer LLP, an international law firm acting as counsel for the Federal Housing Finance Agency (“FHFA”).

7. FHFA is an independent federal agency responsible for the oversight of vital components of the national secondary mortgage market, including the Federal National Mortgage Association (“Fannie Mae”) and the Federal Home Loan Mortgage Corporation (“Freddie Mac”) (together, “the Enterprises”).



1 8. On September 6, 2008, FHFA's Director invoked the power granted FHFA under
2 the Housing and Economic Recovery Act of 2008 ("HERA"), Pub. L. No. 110-289, 122 Stat.
3 2654, to place the Enterprises into conservatorships. *See* U.S.C. § 4617(a). Since then, FHFA
4 has been each Enterprise's Conservator.

5 9. In its capacity as Conservator, FHFA succeeded to "all rights, titles, powers, and
6 privileges" of the Enterprises and their respective stockholders, boards of directors and officers.
7 *See* 12 U.S.C. § 4617(b)(2)(A)(i). Accordingly, the Conservator is authorized to participate, at
8 its discretion, in litigation involving the Enterprises in a manner consistent with the conservator's
9 duties.

10 10. I have appeared as counsel for FHFA in many cases that have been filed over the
11 past six years in the Nevada Supreme Court, the District Courts of the State of Nevada, in the
12 United States District Court for the District of Nevada and in the United States Court of Appeals
13 for the Ninth Circuit in which the Enterprises and other parties were litigating the interpretation
14 and application of NRS 116.3116(2), which allows a HOA a limited super-priority lien security
15 payment for past due HOA fees, and permits properly conducted foreclosures and public
16 auctions to extinguish all other deed-of-trust interests. *SFR Invs. Pool I, LLC v. U.S. Bank, NA.*,
17 334 P.3d 408 (Nev. 2014) ("the Chapter 116 Cases"). However, as the Nevada Supreme Court
18 and the Ninth Circuit have concluded, federal law precludes this result when the owner of the
19 deed of trust is an Enterprise in FHFA conservatorship. *See* 12 U.S.C. § 4617(j)(3) ("No
20 property" of the Conservator "shall be subject to ... foreclosure ... without the [FHFA's]
21 consent."); *id.* § 4617(b)(2)(A)(i) (the Conservator succeeds to "all rights, titles, powers, and
22 privileges" of the Enterprises). *Berezovsky v. Moniz*, --- F.3d ---, No. 16-15066, 2017 WL
23 3648519 (9th Cir. 2017) ("*Berezovsky*"); *Elmer v. JPMorgan Chase Co.*, No. 15-17407, 2017
24 WL 3822061 (9th Cir. Aug. 31, 2017) (unpublished) ("*Elmer*"); *Federal Home Loan Mortgage*
25 *Corp. v. SFR Investments Pool I, LLC*, No. 16-15962 (9th Cir., June 25, 2018) (precedential
26 ruling for publication) ("*Federal Home Loan*"); *and Saticoy Bay LLC Series 9641 Christine View*
27 *v. Federal National Mortgage Association*, 134 Nev. Adv. Op. 36, ___ Nev. ___ (2018).



1 11. FHFA has retained Arnold & Porter Kaye Scholer LLP to coordinate and
2 implement its legal strategy in the Chapter 116 Cases. I am the primary contact person at Arnold
3 & Porter Kaye Scholer LLP for these matters. FHFA has retained Leslie Bryan Hart and the law
4 firm of Fennemore Craig, P.C. to assist as local counsel in these cases.

5 12. In addition to appearing in Chapter 116 Cases in which FHFA is a party, FHFA
6 has submitted amicus briefs in the Nevada Supreme Court in cases where FHFA is not a direct
7 party but an Enterprise's property interest is at stake.

8 13. In the past three years I have submitted eight applications for *pro hac vice*
9 admission in the Nevada Supreme Court, each of which has either been granted or denied
10 without prejudice to be refiled if the Nevada Supreme Court holds oral argument in the
11 respective case. A list of those cases is attached hereto as **Exhibit A**. I have only filed two *pro*
12 *hac vice* applications in any district court of the state of Nevada.

13 14. I have been admitted *pro hac vice* in the Nevada Supreme Court on 11 occasions,
14 7 of which were on applications submitted more than three years ago, all in Chapter 116 cases. I
15 participated in oral argument in four of those cases—in *Nationstar*, *Christine View*, *Green Tree*
16 and *Holm International*. In each instance, the Supreme Court permitted me to argue for FHFA
17 as an amicus curiae, and in each instance and the Court ruled consistently with the position
18 FHFA asserted. In my view, my participation in these cases, including at oral argument,
19 assisted the Court.

20 15. Although the issues presented to this Court in the current case differ from those
21 presented in the Chapter 116 Cases, all involve federal statutory powers and protections
22 Congress granted FHFA in its capacity as conservator. Here, because FHFA is statutorily
23 empowered as Conservator to “perform all [of Fannie Mae’s] functions in [Fannie Mae’s]
24 name,” 12 U.S.C. § 4617(b)(2)(B)(iii), and has succeeded to all rights, titles, powers, privileges,
25 and assets of Fannie Mae, 12 U.S.C. § 4617(b)(2)(A)(i), the preliminary injunction entered
26 earlier in this action implicates 12 U.S.C. § 4617(f), which mandates that “no court may take
27 any action to restrain or affect the exercise of powers or functions of FHFA as a conservator.”



1 16. Granting this application will serve judicial efficiency and save party resources as
2 FHFA has retained my firm and me in connection with matters raised in this state and in other
3 states that similarly involve the interpretation of FHFA's governing statute and the scope of the
4 Conservator's authority under federal law. Although Arnold & Porter Kaye Scholer LLP has a
5 group of attorneys working on the cases pending in the federal and state courts of Nevada, I
6 have been the FHFA's principal representative at numerous hearings in the United States
7 District Court for the District of Nevada, and the Ninth Circuit, as well as other courts around
8 the country. FHFA respectfully requests that the Court find that special circumstances and good
9 cause exist to grant my application under Rule 42 in this case.

10 17. Based on the foregoing, I respectfully submit that special circumstances and good
11 cause exist to permit my appearance in this case.

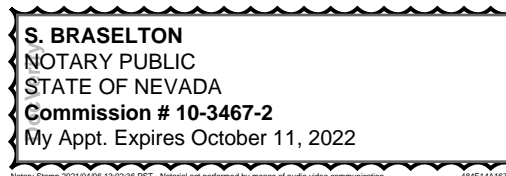
12 DATED: 04/06/2021

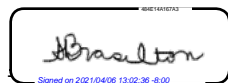
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Signed on 2021/04/06 13:02:36 -8:00

15 Michael A.F. Johnson

16 SUBSCRIBED and SWORN to before
17 me this on 04/06/2021

18 This notarial act was performed using
19 audio-video communication.



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Signed on 2021/04/06 13:02:36 -8:00

21 Notary Public

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FENNEMORE

7800 Rancharrah Parkway
Reno, Nevada 89511
775-788-2200

18303253

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Exhibit A

Exhibit A



Date of Appl.	Cause	Title of Court Administrative Body or Arbitrator	Was Application Granted or Denied?
8/22/18	Federal National Mortgage Assoc, et al. v. Holm International Properties LLC, et al. Case No. 72933	Supreme Court of the State of Nevada	Granted
8/23/18	Saticoy Bay LLC Series Magic Mesa St Trust,, v. JPMorgan Chase Bank, NA, Case No. 73627	Supreme Court of the State of Nevada	Denied w/o Prejudice
8/23/18	Saticoy Bay LLC Series 338 Flying Colt v. Nationstar Mortgage, LLC Case No. 72286	Supreme Court of the State of Nevada	Denied w/o Prejudice
12/10/18	Saticoy Bay LLC-Series 7549 Lintwhite St. v. Federal National Mortgage Assoc., et al. Case No. A-18-785034-C	District Court Clark County, Nevada	Granted
5/2/19	The Eagle and the Cross, LLC v. Bank of America, N.A., et al. Case No. 76305	Supreme Court of the State of Nevada	Granted
5/8/19	Chao Ma v. JPMorgan Chase Bank, N.A. Case No. 75398	Supreme Court of the State of Nevada	Granted
4/1/21	Federal National Mortgage Assoc. v. Westland Liberty Village, LLC, et al. Case No. A-20-819412-B	District Court Clark County, Nevada	Pending
4/6/21	Federal National Mortgage Assoc. v. Westland Liberty Village, LLC, et al. Case No. 82174	Supreme Court of the State of Nevada	Pending
Filed concurrently herewith	Federal Housing Finance Agency v. Eighth Judicial District Court, et al. Case No. 82666	Supreme Court of the State of Nevada	

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