

IN THE SUPREME COURT OF THE STATE OF NEVADA

FEDERAL HOUSING FINANCE
AGENCY, in its capacity as Conservator for
the Federal National Mortgage Association,

Petitioner,

vs.

EIGHTH JUDICIAL DISTRICT COURT,
Clark County, Nevada; and, THE
HONORABLE KERRY EARLEY, Judge

Respondents,

WESTLAND LIBERTY VILLAGE, LLC;
WESTLAND VILLAGE SQUARE, LLC;
and FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Real Parties in Interest.

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Elizabeth A. Brown
Clerk of Supreme Court
Case No. 82666

ORIGINAL WRIT PROCEEDING

NOTICE OF DISTRICT COURT DECISION

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Conservator of the Federal National Mortgage Association*

Petitioner 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 [a] 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. FHFA has explained to this Court how the injunction restrains and affects FHFA's powers as Conservator, and why the injunction is therefore void. Briefing in this proceeding closed June 24, 2021, and the petition is ripe for decision. The Court should expeditiously resolve this proceeding by granting the writ and nullifying the injunction.

Dated this 11th day of August, 2021.

Respectfully submitted,

FENNEMORE CRAIG, P.C.

/s/ Leslie Bryan Hart

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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.

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/s/ Shawna Braselton
An Employee of Fennemore Craig, P.C.