

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

SFR INVESTMENTS POOL 1, LLC,

Appellant,

vs.

JPMORGAN CHASE BANK,  
NATIONAL ASSOCIATION,

Respondent.

Case No. 83214

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Elizabeth A. Brown  
Clerk of Supreme Court

**NOTICE OF SUPPLEMENTAL AUTHORITY**

Respondent JPMorgan Chase Bank, N.A. (“Chase”) respectfully notifies the Court under NRAP 31(e) of a significant decision issued after Chase filed its brief: *SFR Investments Pool 1, LLC v. JPMorgan Chase Bank, NA*, No. 82143, 506 P.3d 1073, 2022 WL 986228 (Nev. Mar. 31, 2022) (unpublished disposition) (“*Carstens*”). *Carstens* addresses a key issue presented in this appeal and supports legal propositions asserted in Chase’s Answering Brief. [See Doc. 22-07098 at 14–31]. In *Carstens*, this Court denied a request for remand from SFR, the HOA sale purchaser, arguing—as SFR again argues in this appeal—that the for-cause removal provision in HERA applicable to FHFA’s Director caused it harm, relying on *Collins v. Yellen*, 594 U.S. \_\_\_, 141 S. Ct. 1761 (2021).

Four elements of the *Carstens* decision are particularly relevant here. *First*, this Court held that SFR’s failure to assert “any claim or defense relating to the unconstitutional structure of the FHFA under *Collins* before the district court” barred consideration of those arguments for the first time on appeal. *Id.* at \*1. *Second*, this Court determined that SFR “did not suffer compensable harm from the unconstitutional structure of the FHFA through the FHFA’s alleged implicit waiver of the Federal Foreclosure Bar.” *Id.* *Third*, this Court held that SFR “did not suffer compensable harm from the unconstitutional structure of the FHFA through any hypothetical possibility of the privatization of the FHFA’s conservators.” *Id.* *Finally*, this Court rejected “SFR’s evidentiary arguments,” finding “no relevant distinction” with the controlling precedent, *Daisy Trust v. Wells Fargo Bank, N.A.*, 445 P.3d 846, 850 (Nev. 2019) (en banc), that could “warrant a different outcome.” *Id.*

Here, Chase offers substantially the same argument as it did in *Carstens*. Accordingly, *Carstens* is pertinent authority that supplements the authorities cited in Chase’s Answering Brief. [See Doc. 22-07098 at 14–31].

### **CONCLUSION**

Chase respectfully requests that the Court take *Carstens* into account when considering the merits of this appeal.

Dated: June 3, 2022.

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## **CERTIFICATE OF SERVICE**

I certify that on June 3, 2022, I submitted the foregoing Notice of Supplemental Authority for filing through the Court's electronic filing system.

Electronic notification of service will be sent to the following:

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