IN THE SUPREME COURT OF THE STATE OF NEVADA

FEDERAL HOUSING FINANCE AGENCY, in its capacity as Conservator for the Federal National Mortgage Association, and FEDERAL NATIONAL MORTGAGE ASSOCIATION, Petitioners, vs. EIGHTH JUDICIAL DISTRICT COURT, Clark County, Nevada, and THE HONORABLE MARK DENTON, Judge Respondents, WESTLAND LIBERTY VILLAGE, LLC; WESTLAND VILLAGE SQUARE, LLC; AMUSEMENT INDUSTRY, INC.; WESTLAND CORONA LLC; WESTLAND AMBER RIDGE LLC; WESTLAND HACIENDA HILLS LLC; 1097 NORTH STATE, LLC; WESTLAND TROPICANA ROYALE LLC; VELLAGIO APTS OF WESTLAND LLC; THE ALEVY FAMILY PROTECTION TRUST; WESTLAND AMT, LLC; AFT INDUSTRY NV, LLC; and A&D DYNASTY TRUST, Real Parties in Interest.	Case No.

PETITION FOR A WRIT OF MANDAMUS

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RULE 26.1 DISCLOSURE STATEMENT

The Nevada Rules of Appellate Procedure do not require the Federal Housing Finance Agency, as a government agency, to file a disclosure statement with this petition. NRAP 26.1(a).

The undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1(a) and must be disclosed. These representations are made so the Justices of this Court may evaluate possible disqualification or recusal.

Federal National Mortgage Association ("Fannie Mae") states that it is a government-sponsored enterprise chartered by the United States Congress, does not have parent corporations, and is currently under conservatorship of the Federal Housing Finance Agency; according to SEC filings, no publicly held corporation owns more than 10% of Fannie Mae's common (voting) stock.

ROUTING STATEMENT

This action involves matters of statewide public importance because (1) the district court disregarded clear and binding federal law in contravention of the Supremacy Clause when it declined to apply the Penalty Bar to protect FHFA and Fannie Mae from liability for punitive damages, and (2) correcting the district court's error now will serve judicial economy. Therefore, under NRAP 17(a)(12) this Court should retain the writ proceeding.

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INTRODUCTION

The Federal Housing Finance Agency (FHFA), as Conservator for Fannie Mae and Fannie Mae respectfully petition this Court for a writ of mandamus directing the Eighth Judicial District Court to reverse its ruling that demands for punitive damages and attorneys' fees may proceed against Fannie Mae while in conservatorship.

The district court's ruling conflicts directly with a federal statute mandating that FHFA conservatorships "shall not be liable for any amounts in the nature of penalties or fines." 12 U.S.C. § 4617(j)(4) (the Penalty Bar). As a matter of law, language, and logic, *punitive* damages are in the nature of *penalties*. So are attorneys' fees under Nevada law, as the governing statutes permit their award only "to *punish* … and deter" bad conduct. NRS 18.010(2)(b) (emphasis added), NRS 7.085. By failing to enforce the Penalty Bar's unconditional preclusion of such awards, the district court committed a manifest abuse of discretion and disregarded the U.S. Constitution's Supremacy Clause, which binds "the judges of every state" to apply federal law as "the supreme law of the land." The decision therefore should not stand.

A writ petition is the proper vehicle to address the error because the Penalty Bar's application presents an important, purely legal issue on which prompt review will serve judicial economy—the sooner the Court resolves the confusion inherent

in the district court's departure from the plain text of the Penalty Bar and the great weight of authority applying it, the less burdensome litigation will ensue on the issue in Nevada's already busy courts. Indeed, prompt review would resolve existing conflicts within this State's courts and between the state and federal courts in Nevada, as other district courts in both systems have squarely held that the Penalty Bar *does* preclude demands for punitive damages and attorneys' fees.

Accordingly, FHFA and Fannie Mae respectfully request that the Court issue a writ of mandamus directing the district court to dismiss all demands for punitive damages and attorneys' fees against Fannie Mae.[1]

APPLICABLE LEGAL STANDARDS

Under Nevada law, a writ of mandamus "is available to compel the performance of an act that the law requires as a duty resulting from an office, trust or station, or to control a manifest abuse of discretion." *Gonzalez v. Dist. Ct.*, 129 Nev. 215, 217 (2013). This Court will entertain a writ petition when: "(1) no factual dispute exists and the district court is obligated to dismiss an action pursuant to clear authority under a statute or rule; or (2) an important issue of law needs clarification and considerations of sound judicial economy and administration militate in favor

[1] This Court already has before it two pending appeals arising from the same underlying case. *FHFA v. Westland Liberty Village LLC, et al.*, Case No. 83695; *FHFA v. Westland Liberty Village LLC, et al.,* Case No. 82666. If it determines that relief is appropriate with respect to the Penalty Bar, it could consolidate this appeal with the two already pending and simply address this issue in the same opinion.

of granting the petition." *State v. Eighth Jud. Dist. Ct. ex rel. Cnty. of Clark*, 118 Nev. 140, 147 (2002).

"[B]ecause a writ of mandamus is an extraordinary remedy, the decision to entertain a petition for the writ lies within [the Court's] discretion." *Gonzalez*, 129 Nev. at 217. "The interests of judicial economy . . . remain the primary standard by which this court exercises its discretion." *Smith v. Eighth Jud. Dist. Ct. ex rel. Cnty. of Clark*, 113 Nev. 1343, 1345 (1997). Thus, the Court may grant "writ petitions that challenge orders of the district court denying motions to dismiss[,]" though disfavored, "where considerations of sound judicial economy and administration" warrant. *Id.* at 1344 (citations omitted).

RELEVANT FACTUAL BACKGROUND

In August 2020, Fannie Mae commenced an action in the district court seeking appointment of a receiver over two Las Vegas properties as to which Fannie Mae owns deeds of trust. Petitioner's Appendix (App.) at Volume I, 0001-0046 (Appl. for Appointment of Receiver); App. Volume I, 0047-59 (Verified Compl.). In due course, the original defendants and certain additional parties pled counterclaims against Fannie Mae and other parties, seeking punitive damages and attorneys' fees as part of the overall damages sought. App. Volumes I - II, 0138-0276 (First Am. Ans. & First Am. Counterclaim). Fannie Mae and FHFA timely moved to dismiss those demands for punitive damages and attorneys' fees, among other things, as such

amounts are expressly prohibited by the Penalty Bar. App. Volume II, 0277-0297 (Pl. & FHFA Motion to Dismiss) (the Motion).

After briefing and argument, the district court entered a minute order denying Fannie Mae and FHFA's Motion as it relates to punitive damages and attorneys' fees. App. Volume III, 0509-0510 (Minute Order); App. Volume II, 0298-0478 (Oppo. to the Motion), Volumes II-III, 0479-0508 (Pls. & FHFA Reply in Support of the Motion).[2] On March 17, 2021, the district court entered its final written order refusing to apply the Penalty Bar as a matter of law to dismiss the demands for punitive damages or attorneys' fees. App. Volume III, 0511-0517 (Order Denying in Part and Granting in Part the Motion).

ARGUMENT

A writ of mandamus is appropriate in two situations: (1) when clear legal authority obligated a district court to dismiss an action, *or* (2) when an important issue of law needs clarifying and considerations of sound judicial economy counsel in favor of granting the petition. *Advanced Countertop Design, Inc. v. Second Jud. Dist. Ct. of State ex rel. Cnty. of Washoe*, 115 Nev. 268, 269-70 (1999). Although

[2] As a non-final and unsigned order, the Minute Order was not challengeable by writ petition or otherwise. *Rust v. Clark Cnty. School Dist.*, 103 Nev. 686, 689 (1987) (providing that a minute order is not effective for any purpose); *see also Flip N Tag, LLC v. Eighth Jud. Dist. ex rel. Cnty. of Clark*, No. 79358, 2019 WL 4390486 at *1 (Nev. 2019) (unpublished disposition) (dismissing writ petition because filed before the entry of a final written judgment).

either prong would be sufficient, both are satisfied here: The district court disregarded the clear federal authority of the Penalty Bar when it refused to dismiss the counterclaimants' demand for punitive damages and attorneys' fees, and prompt review will serve judicial economy by resolving a conflict that invites needless and burdensome litigation in this State's courts.

I. The Penalty Bar Obligated The District Court To Dismiss The Demand For Punitive Damages And Attorneys' Fees

A writ of mandamus is the appropriate remedy when there is no factual dispute and the district court is obligated to dismiss an action pursuant to clear authority under a statute or rule. *E.g.*, *Anse, Inc. v. Eighth Jud. Dist. Ct. of State ex rel. Cnty. of Clark*, 124 Nev. 862, 867 (2008) (deciding writ on merits); *Klingensmith v. Eighth Jud. Dist. Ct. in & for Cnty. of Clark*, No. 82403, 2021 WL 4261541, at *1 (Nev. 2021) (unpublished disposition) (granting writ where clear and unambiguous statute required dismissal). That standard fits this case like a glove.

The clear, simple language of the Penalty Bar plainly precludes any award "in the nature of [a] penalt[y]," 12 U.S.C. § 4617(j)(4), but that is exactly what counterclaimants seek by way of their demands for punitive damages and attorneys' fees. The U.S. Constitution makes the Penalty Bar "the supreme law of the land," which "the judges of every state shall be bound" to apply, U.S. Const. art. VI, cl. 2, but the district court disregarded the Penalty Bar's unambiguous text, plain meaning, and obvious effect, refusing to apply that binding statutory command. The district

court's order incudes no explanation that could justify that outcome; indeed, the relevant paragraph is purely conclusory and devoid of any reasoning at all other than to deny as a matter of law. *See Davis v. Ewalefo*, 131 Nev. 445, 450 (2015) (noting that deference to district court's findings "is not owed to legal error, or to findings so conclusory they may mask legal error" (internal citations omitted)); *Jitnan v. Oliver*, 127 Nev. 424, 433 (2011) ("Without an explanation of the reasons or bases for a district court's decision, meaningful appellate review, even a deferential one, is hampered because we are left to mere speculation."); *Manuela H. v. Eighth Jud. Dist. Ct.*, 132 Nev. 1, 7-8 (2016) (granting a petition for a writ of mandamus and admonishing the district court to provide an adequate explanation of the reasons for its order).

The Court should issue a writ of mandamus to correct the district court's error.

A. Punitive Damages And Attorneys' Fees Are Penalties Under Nevada Law

The district court refused to dismiss demands for punitive damages and attorneys' fees against Fannie Mae. App. Volume III, 0511-0517. Both, under clear Nevada law, are in the nature of penalties or fines.

Punitive damages, which by definition are not compensatory, are in the nature of penalties. Indeed, the U.S. Supreme Court has noted that punitive damages "serve the same purposes as *criminal penalties*," *State Farm Mut. Auto Ins. Co. v. Campbell*, 538 U.S. 408, 417 (2003) (emphasis added), and are among the

"*economic penalties* that a State … inflicts[.]" *BMW of North America, Inc. v. Gore*, 517 U.S. 559, 572 (1996) (emphasis added); *see also Browning-Ferris Indus. of Vt., Inc. v. Kelco Disposal, Inc.*, 492 U.S. 257, 297 (1989) (O'Connor, J., concurring in part and dissenting in part) ("The Court's cases abound with the recognition of the penal nature of punitive damages."). This is especially true where, as here, the punitive damages sought are in addition to compensatory damages. *See Gabelli v. S.E.C.*, 568 U.S. 442, 451–52 (2013) (stating that "penalties" are amounts that "go beyond compensation, are intended to punish, and label defendants wrongdoers"); *see, e.g.*, App. Volume I, 0231-34, 0236-37.

This Court agrees, repeatedly explaining that punitive damages exist "not as compensation to the victim but to punish the offender for severe wrongdoing." *Webb v. Shull*, 128 Nev. 85, 90 (2012); *Banngiovi v. Sullivan*, 122 Nev. 556, 580 (2006) (similar). Likewise, the authoritative American legal dictionary confirms that punitive damages are "assessed by way of penalizing the wrongdoer or making an example to others." Black's Law Dictionary (10th ed. 2014) (defining "punitive damages").

And in this State, attorney-fee awards such as those sought here are also unequivocally penal. Absent a contractual entitlement, which is not at issue here, Nevada law permits attorneys' fees in a civil case only "to punish for and deter frivolous or vexatious claims and defenses." NRS 18.010(2)(b), NRS 7.085; *see*

also Capanna v. Orth, 134 Nev. 888, 895 (2018) (interpreting these statutes); *Thomas v. City of N. Las Vegas*, 122 Nev. 82, 90 (2006) ("Nevada follows the American rule that attorney[s'] fees may not be awarded absent a statute, rule, or contract authorizing such award."). Nevada doctrine on the point is well within the mainstream—courts around the country have described attorneys' fees as penal or punitive in nature. *See, e.g., In re Sterten*, 546 F.3d 278, 280 (3rd Cir. 2008) (describing attorneys' fees as part of the penalty under the Truth in Lending Act); *Sanders v. Jackson*, 209 F.3d 998, 1004 (7th Cir. 2000) (stating that in the context of the Fair Debt Collection Practices Act, "attorneys' fees are punitive in the broad sense of the term"); *Baez v. U.S. Dep't of Justice*, 684 F.2d 999, 1003 (D.C. Cir. 1982) (stating that statutes permitting attorneys' fees "embody the notion[] that assessment of attorneys' fees against the losers may be a form of penalty").

Because the punitive damages and attorneys' fees sought in this case are penal, *i.e.*, in the nature of penalties, they fall squarely within HERA's Penalty Bar.

B. The Penalty Bar Applies To Protect Fannie Mae

Every valid decision addressing the Penalty Bar has concluded that it applies to Fannie Mae while it is in FHFA's conservatorship, thereby insulating Fannie Mae and its conservatorship estate from any potential liability for penalties or fines. *E.g.*, *Gray v. Seterus, Inc.*, 233 F. Supp. 3d 865, 872 (D. Or. 2017) ("Fannie Mae is indeed immune from punitive damages under 12 U.S.C. § 4617(j)."); *Fed. Hous. Fin.*

Agency v. City of Chicago, 962 F. Supp. 2d 1044, 1064 (N.D. Ill. 2013 (similar); *Nevada ex rel. Hager v. Countrywide Home Loans Servicing, LP*, 812 F. Supp. 2d 1211, 1218 (D. Nev. 2011) (similar); *Nat'l Fair Hous. Alliance v. Fed. Nat'l Mortg. Ass'n*, No. C 16-06969 JSW, 2019 WL 3779531, at *6 (N.D. Cal. Aug. 12, 2019) (similar); *Mwangi v. Fed. Nat'l Mortg. Ass'n*, No. 4:14-cv-0079-HLM, 2015 WL 12434327, at *4 (N.D. Ga. Mar. 9, 2015) (similar); *Higgins v. BAC Home Loans Servicing, LP,* No. 12-CV-183-KKC, 2014 WL 1332825, at *3 (E.D. Ky. Mar. 31, 2014) (similar).[3] Several courts have analogized FHFA, as Conservator, to the FDIC which, "in its capacity as receiver for a failed financial institution, is immune from punitive damages under 12 U.S.C. § 1825(b), a statute similar to 12 U.S.C. § 4617(j) [and] that prohibits the imposition of fines and penalties against the FDIC in its capacity as receiver." *Mwangi*, 2015 WL 12434327, at *5 ("Fannie Mae is exempt from punitive damages while it is under conservatorship with the FHFA."); *accord Higgins*, 2014 WL 1332825, at *2 (internal citation omitted).

[3] One federal court reached a different conclusion in an outlier decision that was later vacated for lack of jurisdiction, rendering it a legal nullity. *Burke v. Fed. Nat'l Mortg. Ass'n*, 221 F. Supp. 3d 707 (E.D. Va. 2016), *vacated*, No. 3:16-cv-153, 2016 WL 7451624, at *1 (E.D. Va. Dec. 6, 2016) ("[T]he Court … was without jurisdiction to issue any prior opinion or order in this case."). Nor would *Burke* be persuasive anyway. It placed dispositive weight on § 4617(j)'s use of the term "the Agency," 221 F. Supp. 3d at 709-12, ignoring the fact that the statute vests "the Agency" with all rights to Fannie Mae's assets. And a 2019 District of Nevada decision rejects *Burke* as "unpersuasive." *1209 Vill. Walk Trust., LLC v. Broussard*, No. 2:15-CV-01903-MMD-PAL, 2019 WL 452728, at *3 (D. Nev. Feb. 4, 2019).

C. The District Court's Error Affects a Substantial and Important Part of the Case

Although the standard governing mandamus speaks in terms of errors in applying legal rules that obligate the district court "to dismiss an action," this Court has sufficiently wide discretion to grant a writ to address errors that infect only a substantial part of an action, rather than the entire case. Indeed, if the standard were otherwise, writs of mandamus could virtually never issue in cases with claims flowing in both directions, as substantive legal issues that doom a claim are unlikely to also doom a counterclaim.[4]

The Court has exercised this discretion where, as here, a district court commits a clear and unambiguous error of law that affects only part of an action. *See, e.g.*, *Neville v. Eighth Jud. Dist. Ct. ex rel. Cnty. of Clark*, 133 Nev. 777, 778-81 (2017) (granting a writ of mandamus to correct a district court's dismissal of some but not all of petitioner's claims); *Anse, Inc.*, 124 Nev. at 864-65, 867 (entertaining a writ of mandamus for the denial of partial summary judgment related to 700 of 1200 residences and stating "[w]e will not exercise our discretion to consider petitions for extraordinary writ relief . . . unless summary judgment is clearly required by statute or rule, or an important issue of law requires clarification").

Here, the demand for punitive damages constitutes a far more substantial part

[4] It is true that a jurisdictional defect might doom both, but the remedy for jurisdictional overreach is a writ of prohibition, not a writ of mandamus.

of the action than does any single cause of action set forth in the counterclaim pleading—the demands for punitive damages and attorneys' fees relate to more than half of the thirty counterclaims asserted (and all but one of the counterclaims asserted against Fannie Mae). *See* App. Volumes I-II, 0138-0276 (First Am. Ans. & First Am. Counterclaim). The Court should therefore grant FHFA's petition for a writ of mandamus because the district court's refusal to dismiss the counterclaimants' demands for punitive damages and attorneys' fees was a clear violation of the Penalty Bar and a manifest abuse of discretion. Moreover, as described below, the writ involves an important issue of law as to which clarification will serve judicial economy.

II. Clarifying The Application of the Penalty Bar Will Serve Judicial Economy

Courts in Nevada would benefit greatly from this Court's prompt clarification of whether the Penalty Bar protects Fannie Mae and FHFA against punitive damages and attorneys' fees while in conservatorship; the Court should resolve the issue now rather than waiting for a potential post-judgment appeal that could easily be years away. As noted above, there is disagreement between the district courts, and between state and federal courts, on the issue. Specifically, a different Nevada district court, in *Fannie Mae v. Sellers*, recently (and correctly) ruled that punitive damages and attorneys' fees are barred by 12 U.S.C. § 4617(j)(4) because, "[a]s a fundamental tenet of our federal system, this Court is 'bound' to apply 'the laws of

the United States,' which the federal Constitution makes the 'supreme law of the land.'" No. A-19-8054188-C (quoting U.S. Const. art. VI, cl. 2) (attached as Exhibit A). And the federal district court in this State has concluded that "while under conservatorship with the FHFA, Fannie Mae is statutorily exempt from taxes, penalties, and fines to the same extent that the FHFA is." *Nevada ex rel. Hager*, 812 F. Supp. 2d at 1218. Other federal district courts in the Ninth Circuit agree. *See, e.g.*, *Gray*, 233 F. Supp. 3d at 872 ("Fannie Mae is indeed immune from punitive damages under 12 U.S.C. § 4617(j)."); *Nat'l Fair Hous. Alliance*, 2019 WL 3779531, at *6 (finding that plaintiffs' demands for "punitive damages is barred by the Penalty Bar").

The contrary decision in this case is incorrect as a matter of law and it embodies a manifest abuse of discretion. If permitted to stand, it will create uncertainty as to whether punitive damages and attorneys' fees are recoverable against Fannie Mae while in conservatorship (and the similarly situated Freddie Mac) in Nevada, and a discontinuity in the application of the same federal statute based on whether a claim implicating it proceeds in state or federal court. This uncertainty may impact Fannie Mae's ability to conduct routine foreclosure actions in Nevada and impair Fannie Mae's ability to resolve pending actions given the uncertainty of the types of damages available against Fannie Mae.

In addition, addressing this issue now will conserve judicial resources, both

in this case and potentially in cases in other jurisdictions as well. In this case, this Court already has two appeals pending before it. It could easily resolve this issue in the same opinion in which it addresses those appeals, providing much needed guidance to the district court in this case on an issue of significant importance to the parties.

Looking beyond this case, the district court's decision, if left intact, will inject uncertainty into the unambiguous language Congress enacted; that uncertainty could expose FHFA and Fannie Mae (and Freddie Mac) to an onslaught of meritless demands for punitive damages and other penal awards that will needlessly consume precious judicial time and resources. Moreover, the FDIC's statutory exemption closely parallels the Penalty Bar, and thus the district court's reasoning could be applied equally to the hundreds of financial institutions for which the FDIC acts as receiver. *See* 12 U.S.C. § 1825(b)(3). Thus, the question of liability for punitive damages and attorneys' fees could extend to conduct far removed from mortgage-enforcement disputes. To avoid the judicial waste that would ensue, clear and firm guidance in the form of a writ of mandamus is needed.

CONCLUSION

FHFA and Fannie Mae sought the dismissal of demands for punitive damages and penal attorneys' fees—relief a concise and straightforward federal statute barring any award "in the nature of [a] penalt[y]" unambiguously precludes. The

district court disregarded the statute and denied the motion, leaving the demands to stand. The Supremacy Clause required the opposite ruling, and the error is consequential—not just for FHFA and Fannie Mae, but also for the judicial system and people of this State. FHFA and Fannie Mae therefore respectfully request that the Court issue a writ of mandamus holding that the Penalty Bar protects Fannie Mae, while in conservatorship, and FHFA from liability from punitive damages and attorneys' fees, and directing the district court to enter an order dismissing all claims for punitive damages or attorneys' fees against Fannie Mae in the underlying action.

Dated this 15th day of April, 2022.

Respectfully submitted,
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/s/ Leslie Bryan Hart

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VERIFICATION

I, Leslie Bryan Hart, declare as follows:

I am a licensed attorney with Fennemore Craig, P.C., counsel for Petitioner Federal Housing Finance Agency (FHFA), and I attest to the following verification in my role as FHFA's attorney, as permitted by NRAP 21(a)(5). I know the contents of this petition and verify that all matters contained herein are true and correct to the best of my knowledge, except as to those matters stated on information and belief, and as to such matters I believe them to be true. I have also reviewed the documents included in the attached appendix and verify that all such documents are true and correct copies of the original documents.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed 15th day of April, 2022.

FENNEMORE CRAIG, P.C.

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CERTIFICATE OF SERVICE

Pursuant to NEFCR 9(b)(d)(e), I certify that on April 15, 2022, a true and correct copy of PETITION FOR WRIT OF MANDAMUS, was transmitted electronically through the Court's e-filing system to the attorney(s) associated with this case.

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An Employee of Fennemore Craig, P.C.

ATTORNEY'S CERTIFICATE PURSUANT TO NEVADA RULE OF APPELLATE PROCEDURE 28.2

1. I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because:

[X] This brief has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman typeface; or

[ ] This brief has been prepared in a monospaced typeface using [state name and version of word-processing program] with [state number of characters per inch and name of type style].

2. I further certify that this brief complies with the page- or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is either:

[X] Proportionately spaced, has a typeface of 14 points or more, and contains 3,428 words; or

[ ] Monospaced, has 10.5 or fewer characters per inch, and contains _____ words or _____ lines of text; or

[ ] Does not exceed _____ pages.

3. Finally, I hereby certify that I have read this appellate brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

Dated: April 15, 2022.

FENNEMORE CRAIG, P.C.

By: */s/ Leslie Bryan Hart*

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