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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JP MORGAN CHASE BANK, N.A.,

Case No. 2:16-CV-1677 JCM (GWF)

Plaintiff(s),

ORDER

v.

SFR INVESTMENTS POOL 1, LLC,

Defendant(s).

Presently before the court is defendant SFR Investments Pool 1, LLC’s (“SFR”) motion for partial summary judgment under the return doctrine. (ECF No. 44). The court finds no response necessary and further finds the motion properly resolved without oral argument. See LR 78-1.

In its motion, SFR moves for an order that “post-Bourne Valley [Court Trust v. Wells Fargo Bank, N.A., 832 F.3d 1154 (9th Cir. 2016)], under the Return Doctrine, NRS Chapter 116’s ‘notice scheme’ ‘returns’ to its 1991 version.” (ECF No. 44).¹

In essence, SFR requests that this court issue an advisory opinion, which Article III prohibits. See, e.g., *Calderon v. Ashmus*, 523 U.S. 740, 745–46 (1998). Specifically, the United States Supreme Court has held, in relevant part, as follows:

[T]he Article III prohibition against advisory opinions reflects the complementary constitutional considerations expressed by the justiciability doctrine: Federal judicial power is limited to those disputes which confine federal courts to a rule consistent with a system of separated powers and which are traditionally thought to be capable of resolution through the judicial process.

¹ The “return doctrine” provides that an unconstitutional statute is no law and the previous constitutional version of the law is revived when it is struck down. See, e.g., *We the People Nev. ex rel. Angle v. Miller*, 192 P.3d 1166, 1176 (Nev. 2008).

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Flast v. Cohen, 392 U.S. 83, 97 (1968).

Therefore, the court will deny SFR's motion for partial summary judgment (ECF No. 44).
Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that SFR's motion for partial summary judgment under the return doctrine (ECF No. 44) be, and the same hereby is, DENIED.

DATED August 2, 2017.


UNITED STATES DISTRICT JUDGE