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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

BRANCH BANKING AND TRUST
COMPANY, a North Carolina banking
corporation,

Plaintiff,

v.

SMOKE RANCH DEVELOPMENT, LLC, a
Nevada limited liability company, YOEL INY, a
individual; NOAM SCHWARTZ, nan
individual; YOEL INY, Trustee of the Y & T
INY FAMILY TRUST dated June 8, 1994, as
amended; NOAM SCWARTZ, Trustee of the
NOAM SCHWARTZ TRUST dated August
19, 1999; D.M.S.I., LLC, a Nevada limited
liability company; and DOES 1 through 10,
inclusive,

Defendants.

Case No. 2:11-cv-01778-APG-VCF

Case No. 2:12-cv-00453-APG-NJK


**ORDER REQUIRING DEFENDANT
TRUSTEES TO PRODUCE THE
NAMES AND ADDRESSES OF THE
TRUST BENEFICIARIES TO RECEIVE
NOTICE UNDER NRS § 162.120**

Currently before me are two motions for summary judgment (Dkt. #63 in case no. 2:11-cv-01778, and Dkt. #80 in case no. 12-cv-00453) that may turn, in part, on whether plaintiff Branch Banking & Trust (BB&T) notified each of the trust defendants' beneficiaries about the existence and nature of the respective actions. NRS § 163.120(2) requires that a plaintiff give that notice within 30 days after the filing of lawsuit, or within 30 days after the filing of an early case conference report, whichever is longer. A plaintiff may demand a list of those beneficiaries, and the trustee must comply with that demand within 10 days. Contrary to the trust defendants' argument, the statute does not place a time limit on when the plaintiff can demand that list. BB&T made that demand in both cases, and the trust defendants have not yet complied.

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Accordingly, I hereby order the trust defendants to comply with NRS § 163.120(2) by furnishing the plaintiff lists of each of the trusts' beneficiaries to be so notified, and their addresses. The lists shall be furnished within 10 days after the entry of this order.

DATED this 3rd day of July, 2014.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE