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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 LEODEGARIO SALVADOR,

Case No. 2:13-CV-1011 JCM (GWF)

8 Plaintiff(s),

ORDER

9 v.

10 NATIONAL DEFAULT SERVICING  
11 CORPORATION, et al.,

12 Defendant(s).

13 Presently before the court is the matter of Salvador v. National Default Servicing Corp., et  
14 al., case no. 2:13-cv-01011-JCM-GWF.

15 Defendant and third-party plaintiff Wells Fargo Bank, N.A. (“Wells Fargo”) has filed a  
16 notice of constitutional question. (ECF No. # 57). The notice indicates that Wells Fargo challenges  
17 the constitutionality of Nevada Revised Statute 116.3116, et seq. (See id.; ECF No. # 43; ECF No.  
18 # 1-2).

19 A party who files a pleading, written motion, or other paper drawing into question the  
20 constitutionality of a state statute must promptly “file a notice of constitutional question stating  
21 the question and identifying the paper that raises it, if . . . the parties do not include the state, one  
22 of its agencies, or one of its officers or employees in an official capacity . . . .” FED. R. CIV. P.  
23 5.1(a)(1)(B).

24 Wells Fargo has demonstrated its compliance with FRCP 5.1(a)(1)(B). (See ECF No. # 57).  
25 However, FRCP 5.1 also requires the court to “certify to the appropriate attorney general that a  
26 statute has been questioned” under 28 U.S.C. § 2403. Fed. R. Civ. P. 5.1(b). Section 2403 states  
27 that the court “shall permit the [s]tate to intervene for presentation of evidence, if evidence is  
28 otherwise admissible in the case, and for argument on the question of constitutionality.” 28 U.S.C.  
§ 2403(b).

1 The attorney general for the state of Nevada shall have thirty days to intervene in this  
2 matter.

3 Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that this court certifies to the  
5 Nevada attorney general that the constitutionality of NRS 116.3116, et seq., has been challenged.  
6 The attorney general shall have thirty (30) days within which to intervene on behalf of the state of  
7 Nevada for presentation of argument on the question of the constitutionality of the statute.

8 IT IS FURTHER ORDERED that the clerk of court shall send a copy of this order by  
9 certified mail to the Nevada attorney general.

10 DATED May 12, 2016.

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13 UNITED STATES DISTRICT JUDGE  
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