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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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FAIRWAY RESTAURANT EQUIPMENT)
CONTRACTING, INC.,)
)
Plaintiff,)
)
vs.)
)
KAKU MAKINO, et al.,)
)
Defendants.)
_____)

2:13-cv-02155-JCM-NJK

ORDER

16 Before the Court is Defendant Kaku Makino’s Demand for Security of Costs. Docket No.
17 26. The Court has considered Defendant Makino’s Demand, Docket No. 26, Plaintiff Fairway
18 Restaurant Equipment Contracting, Inc.’s Response, Docket No. 28, and Defendant Makino’s
19 Reply, Docket No. 29. The Court finds that this motion is properly resolved without oral
20 argument. *See* Local Rule 78-2.

DISCUSSION

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22 It is the policy of the United States District Court for the District of Nevada to enforce the
23 requirements of NRS 18.130 in diversity actions. *Feagins v. Trump Org.*, 2012 WL 925027, *1
24 (D. Nev. Mar. 19, 2012); *citing Hamar v. Hyatt Corp.*, 98 F.R.D. 305, 305–306 (D.Nev.1983);
25 *Arrambide v. St. Mary's Hosp., Inc.*, 647 F.Supp. 1148, 1149 (D.Nev.1986). Under Nevada law,
26 “[w]hen a plaintiff in an action resides out of the State, or is a foreign corporation, security for
27 the costs and charges which may be awarded against such plaintiff may be required by the
28 defendant.” NRS 18.130(1). The present case is a diversity action and Plaintiff is a non-resident

1 of this state. *See* Complaint, Docket No. 1, at 1. Therefore, Plaintiff is required to provide
2 security in the amount of \$500 per defendant, pursuant to NRS 18.130. *See Feagins*, 2012 WL
3 925027, *1; *see also Truck Ins. Exchange v. Tetzlaff*, 683 F.Supp. 223, 227 (D.Nev.1988).

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CONCLUSION

Based on the foregoing, and good cause appearing therefore,

IT IS HEREBY ORDERED that Defendant Kaku Makino’s Demand for Security of
Costs (Docket No. 26) is GRANTED.

IT IS FURTHER ORDERED that Plaintiff shall provide security in the amount of \$500
per Defendant no later than August 25, 2014.

DATED: August 14, 2014



NANCY J. KOPPE
United States Magistrate Judge