

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BANK OF AMERICA, N.A.,)
)
Plaintiff,)
vs.)
)
LAMPLIGHT VILLAGE AT CENTENNIAL)
SPRINGS HOMEOWNERS ASSOCIATION,)
et al.,)
)
Defendants.)

Case No.: 2:16-cv-00582-GMN-NJK

ORDER

Pending before the Court is Plaintiff Bank of America, N.A.’s (“BANA’s”) unopposed Motion for Release of Bond, (ECF No. 71). For the reasons discussed below, the Court **GRANTS** BANA’s Motion.

BANA seeks release of its cost bond because, as the prevailing party, no costs may be awarded against it. (Mot. Release Bond 2:1–3, ECF No. 71). Under Nevada law, a defendant may demand that an out-of-state plaintiff post bond to provide “security for the costs and charges which may be awarded against such plaintiff.” NRS 18.130(1). The bond may be returned if the party posting bond will not be liable for any of the demanding party’s costs or charges arising from the case. *See, e.g., Burnett v. Tufguy Prods.*, No. 2:08-cv-01335-GMN-RJJ, 2011 U.S. Dist. LEXIS 73991, 2011 WL 2680731, at *4 (D. Nev. July 7, 2011).

Here, Defendant SFR Investments Pool 1, LLC (“SFR”) demanded that BANA post a cost bond, and the Court granted the parties’ Stipulation for BANA to post a \$500.00 bond. (*See* Mot. Demand Security Costs, ECF No. 9); (Stip. Post Bond re Mot. Demand Security Costs, ECF No. 23); (Order Granting Mot. Demand Security Costs, ECF No. 24). On August 27, 2019, the Court entered Judgment in favor of BANA and against SFR. (*See* Clerk’s

1 Judgment, ECF No. 69). As the prevailing party, costs may not be awarded against BANA. *Cf.*
2 Fed. R. Civ. P. 54(d); NRS 18.160. Therefore, release of BANA's bond is proper.


3 Accordingly,

4 **IT IS HEREBY ORDERED** that BANA's Motion for Release of Bond, (ECF No. 71),
5 is **GRANTED**.

6 **IT IS FURTHER ORDERED** that, because BANA is represented by two separate law
7 firms, counsel for BANA must jointly file with the Court instructions on sending bond and any
8 accrued interest to Plaintiff by May 6, 2020. The joint filing shall include a completed W-9
9 form to permit disbursement of funds.

10 **DATED** this 22 day of April, 2020.

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Gloria M. Navarro, District Judge
United States District Court