

1 DIANA CLINE EBRON, ESQ.
Nevada Bar No. 10580
2 E-mail: diana@kgelegal.com
JACQUELINE A. GILBERT, ESQ.
3 Nevada Bar No. 10593
E-mail: jackie@kgelegal.com
4 KAREN L. HANKS, ESQ.
Nevada Bar No. 9578
5 E-mail: karen@kgelegal.com
KIM GILBERT EBRON
6 *fka Howard Kim & Associates*
7625 Dean Martin Drive, Suite 110
7 Las Vegas, Nevada 89139
Telephone: (702) 485-3300
8 Facsimile: (702) 485-3301
Attorneys for SFR Investments Pool 1, LLC

9
10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 BANK OF AMERICA, N.A.,

Case No. 2:16-cv-00656-RFB-CWH

13 Plaintiff,

14 vs.

**SFR INVESTMENTS POOL 1, LLC'S
DEMAND FOR SECURITY OF COSTS
PURSUANT TO NRS 18.130(1)**

15 MADEIRA CANYON HOMEOWNERS'
ASSOCIATION; NEVADA ASSOCIATION
SERVICES, INC.; and SFR INVESTMENTS
16 POOL 1, LLC; and

17 Defendants.

18 SFR INVESTMENTS POOL 1, LLC ("SFR") hereby demands that plaintiff BANK OF
19 AMERICA, N.A., ("BANA" or "Bank"), an out-of-state resident, post a cost bond pursuant to
20 NRS 18.130(1).

21 In Nevada, if a plaintiff resides outside of Nevada or is a foreign corporation, like the Bank,
22 "security for the costs and charges which may be awarded against such plaintiff may be required
23 by defendant, by the filing and service on plaintiff of a written demand within the time limited for
24 answering the complaint." NRS 18.130(1). When a defendant demands a cost bond, "all
25 proceedings in the action shall be stayed" until plaintiff files "an undertaking, executed by two or
26 more persons, to the effect that they will pay such costs and charges as may be awarded against
27 the plaintiff by judgment, or in the progress of the action . . . or the plaintiff may deposit \$500 with
28 the clerk of the court." *Id.* "After the lapse of 30 days from the service of notice that security is

KIM GILBERT EBRON
7625 DEAN MARTIN DRIVE, SUITE 110
LAS VEGAS, NEVADA 89139
(702) 485-3300 FAX (702) 485-3301

1 required, or of an order for new or additional security, upon proof thereof, and that no undertaking
2 as required has been filed, the court or judge may order the action to be dismissed.” NRS
3 18.130(4).

4 “It is the policy of the United States District Court for the District of Nevada to enforce
5 the requirements of NRS 18.130 in diversity actions.” *Feagins v. Trump Organization*, 2012 WL
6 925027 (D. Nev.)(citing *Hamar v. Hyatt Corp.*, 98 F.R.D. 305, 305-6 (D. Nev. 1983); *Arrambide*
7 *v. St. Mary’s Hosp., Inc.*, 647 F.Supp. 1148, 1149 (D. Nev. 1986).)

8 Here, BANA, a subsidiary of Bank of America Corporation, a Delaware registered
9 corporation, is not a citizen of Nevada, but rather a national banking association with its
10 headquarters in North Carolina. Accordingly, SFR demands that the Bank post a \$500 cost bond
11 within 30 days and that the proceedings be stayed until such cost bond is posted. Should the
12 Bank fail to comply with the requirements of NRS 18.130 within 30 days, SFR requests this
13 action be dismissed.

14 DATED April 18, 2016.

KIM GILBERT EBRON

/s/ Diana Cline Ebron
DIANA CLINE EBRON, ESQ.
Nevada Bar No. 10580
JACQUELINE A. GILBERT, ESQ.
Nevada Bar No. 10593
KAREN L. HANKS, ESQ.
Nevada Bar No. 9578
7625 Dean Martin Drive, Suite 110
Las Vegas, Nevada 89139
Attorneys for SFR Investments Pool 1, LLC

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22 IT IS ORDERED that [7] Motion for Demand for Security of Costs is GRANTED. Plaintiff
23 Bank of America, N.A. shall post a cost bond of \$500.00 or make a cash deposit of \$500.00
24 with the clerk of court within seven days of this Order.

IT IS SO ORDERED:

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26 

27 RICHARD F. BOULWARE, II
28 United States District Judge
DATED this 3rd day of May, 2016.

KIM GILBERT EBRON
7625 DEAN MARTIN DRIVE, SUITE 1110
LAS VEGAS, NEVADA 89139
(702) 485-3300 FAX (702) 485-3301

CERTIFICATE OF SERVICE

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2 I HEREBY CERTIFY that on this 18th day of April 2016, pursuant to FRCP 5, I served via the
3 CM-ECF electronic filing system the foregoing **SFR INVESTMENTS POOL 1, LLC'S**
4 **DEMAND FOR SECURITY OF COSTS PURSUANT TO NRS 18.130(1)**, to the following
5 parties:

6 Ariel E. Stern
7 Natalie L. Winslow
8 Akerman LLP
9 1160 Town Center Drive, Suite 330
10 Las Vegas, NV 89144
11 (702) 634-5000
12 Email: ariel.stern@akerman.com
13 Email: natalie.winslow@akerman.com
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Counsel for BANK OF AMERICA, N.A.

/s/ Alan G. Harvey
An employee of KIM GILBERT EBRON