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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

HSBC BANK USA, N.A.,

Plaintiff(s),

v.

EDUBIJES OCHOA-DELGADO, et al.,

Defendant(s).

Case No. 2:16-CV-1171 JCM (VCF)

ORDER

Presently before the court is defendant 4918 Athens Bay Trust’s demand for security of costs from plaintiff HSBC Bank USA, N.A., pursuant to Nevada Revised Statutes (“NRS”) 18.130. (ECF No. 26).

That statute states “[w]hen a plaintiff in an action resides out of the State, or is a foreign corporation, security for the costs and charges which may be awarded against such plaintiff may be required by the defendant” NRS 18.130. In its complaint, plaintiff affirms that it is a “citizen of the state of Virginia” and that this defendant “is a private trust within the State of Nevada.” (ECF No. 1 at 2). Defendant has not contested these characterizations.

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

This court finds that defendant properly invokes NRS 18.130. Pursuant to that statute, plaintiff is to deposit \$500.00 with the clerk of court for “costs and charges as may be awarded” in this case. NRS 18.130.

Accordingly,


IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant’s demand for security costs, (ECF No. 26) be, and the same hereby is, GRANTED.

James C. Mahan
U.S. District Judge

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IT IS FURTHER ORDERED that plaintiff HSBC Bank USA, N.A. shall post a cost bond in the amount of \$500.00 or make a cash deposit of \$500.00 as to 4918 Athens Bay Trust within seven (7) days of the entry of this order.

DATED November 1, 2016.


UNITED STATES DISTRICT JUDGE