

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

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

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

11 THE BANK OF NEW YORK MELLON FKA
12 THE BANK OF NEW YORK, AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF
13 THE CWALT, INC., ALTERNATIVE LOAN
TRUST 2007-HY7C MORTGAGE PASS-
14 THROUGH CERTIFICATES SERIES 2007-
HY7C,

Case No. 2:16-cv-01239-RFB-CWH

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

15 Plaintiff,

16 vs.

17 MESA HOMEOWNERS ASSOCIATION;
SFR INVESTMENTS POOL 1, LLC;
18 NEVADA ASSOCIATION SERVICES, Inc.;
ALESSI & KOENIG, LLC,

19 Defendants.

20
21 SFR INVESTMENTS POOL 1, LLC (“SFR”) hereby demands that plaintiff, THE BANK
22 OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE
23 CERTIFICATEHOLDERS OF THE CWALT, INC., ALTERNATIVE LOAN TRUST 2007-
24 HY7C MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2007-HY7C (“BNY Mellon”
or “Bank”), an out-of-state resident, post a cost bond pursuant to NRS 18.130(1).

25 In Nevada, if a plaintiff resides outside of Nevada or is a foreign corporation, like the Bank,
26 “security for the costs and charges which may be awarded against such plaintiff may be required
27 by defendant, by the filing and service on plaintiff of a written demand within the time limited for
28

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

1 answering the complaint.” NRS 18.130(1). When a defendant demands a cost bond, “all
2 proceedings in the action shall be stayed” until plaintiff files “an undertaking, executed by two or
3 more persons, to the effect that they will pay such costs and charges as may be awarded against
4 the plaintiff by judgment, or in the progress of the action . . . or the plaintiff may deposit \$500 with
5 the clerk of the court.” *Id.* “After the lapse of 30 days from the service of notice that security is
6 required, or of an order for new or additional security, upon proof thereof, and that no undertaking
7 as required has been filed, the court or judge may order the action to be dismissed.” NRS
8 18.130(4).

9 “It is the policy of the United States District Court for the District of Nevada to enforce
10 the requirements of NRS 18.130 in diversity actions.” *Feagins v. Trump Organization*, 2012 WL
11 925027 (D. Nev.)(citing *Hamar v. Hyatt Corp.*, 98 F.R.D. 305, 305-6 (D. Nev. 1983); *Arrambide*
12 *v. St. Mary’s Hosp., Inc.*, 647 F.Supp. 1148, 1149 (D. Nev. 1986).)

13 Here, BNY Mellon is not a Nevada citizen, but rather a Delaware corporation with its
14 corporate headquarters in New York. Accordingly, SFR demands that the Bank post a \$500 cost
15 bond within 30 days and that the proceedings be stayed until such cost bond is posted. Should
16 the Bank fail to comply with the requirements of NRS 18.130 within 30 days, SFR requests this
17 action be dismissed.

18 DATED June 30, 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

19
20
21 IT IS SO ORDERED:

22 

23
24 RICHARD F. BOULWARE, II
United States District Judge

25 DATED this 10th day of October, 2016.
26
27
28

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

CERTIFICATE OF SERVICE

1
2 I HEREBY CERTIFY that on this 30th day of June 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 Darren T Brenner
7 William Shane Habdas
8 Akerman LLP
9 1160 N. Town Center Dr., Ste. 330
10 Las Vegas, NV 89144
11 702-634-5000
12 Fax: 702-380-8572
13 Email: william.habdas@akerman.com
14 Email: darren.brenner@akerman.com

15 *Counsel for THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS*
16 *TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWALT, INC., ALTERNATIVE LOAN*
17 *TRUST 2007-HY7C MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2007-HY7C*

18 Christopher V. Yergensen
19 Nevada Association Services, Inc.
20 6224 West Desert Inn Road
21 Las Vegas, NV 89146
22 702-804-8885
23 Fax: 702-804-8887
24 Email: chris@nas-inc.com

25 *Counsel for Nevada Association Services, Inc.*

26
27
28
/s/ Alan G. Harvey
An employee of KIM GILBERT EBRON