

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

BANK OF AMERICA, N.A., et al.,

Plaintiff(s),

v.

PACIFIC LEGENDS GREEN VALLEY
OWNERS' ASSOCIATION, et al.,

Defendant(s).

Case No. 2:16-CV-1612 JCM (CWH)

ORDER

Presently before the court is defendant BFP Investments 3, LLC's demand for security of costs pursuant to Nevada Revised Statutes ("NRS") 18.130. (ECF No. 12). Plaintiff Bank of America, N.A.—successor by merger to BAC Home Loans Servicing, LP, which was formerly known as Countrywide Home Loans Servicing, LP—("BANA") has filed a notice of limited non-opposition to plaintiff's cost-bond demand. (ECF No. 14).

"When 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. Further, "[i]t 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)).

Here, defendant offers that plaintiff is a national banking association headquartered in North Carolina and that its parent company, Bank of America Corporation, is a "Delaware registered corporation." (ECF No. 12 at 2). In its notice of limited non-opposition, plaintiff does not contest this assertion. (ECF No. 14).

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

4 Accordingly,

5 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant’s demand for
6 security costs, (ECF No. 12) be, and the same hereby is, GRANTED.

7 IT IS FURTHER ORDERED that plaintiff BANA shall post a cost bond in the amount of
8 \$500.00 or make a cash deposit of \$500.00 as to BFP Investments 3, LLC within seven (7) days
9 of the entry of this order.

10 DATED November 1, 2016.

11 
12 _____
13 UNITED STATES DISTRICT JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28