

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 DITECH FINANCIAL LLC F/K/A)
4 GREEN TREE SERVICING LLC,)
5)
6 Plaintiff,)
7 vs.)
8)
9 SOMMERSET PARK HOMEOWNERS)
ASSOCIATION; SFR INVESTMENTS)
10 POOL 1, LLC; ALESSI & KOENIG, LLC,)
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12 Defendants.)
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Case No.: 2:16-cv-1811-GMN-VCF

ORDER

11 Pending before the Court is a Motion for Demand for Security of Costs (ECF No.
12 11) filed by Defendant SFR Investments Pool 1, LLC (“Defendant”), to which Plaintiff
13 Ditech Financial LLC F/K/A Green Tree Servicing LLC (“Plaintiff”) filed a Limited
14 Non-Opposition (ECF No. 16).

15 The Ninth Circuit recognizes that “federal district courts have inherent power to
16 require plaintiffs to post security for costs.” *Simulnet E. Assocs. v. Ramada Hotel*
17 *Operating Co.*, 37 F.3d 573, 574 (9th Cir. 1994). Under Nevada law, “[w]hen a plaintiff
18 in an action resides out of the State, or is a foreign corporation, security for the costs and
19 charges which may be awarded against such plaintiff may be required by the defendant.”
20 NRS § 18.130(1). “After the lapse of 30 days from the service of notice that security is
21 required . . . upon proof thereof, and that no undertaking as required has been filed, the
22 court or judge may order the action to be dismissed.” NRS § 18.130(4). It is the policy of
23 the United States District Court for the District of Nevada to enforce the requirements of
24 NRS § 18.130 in diversity actions. *Hamar v. Hyatt Corp.*, 98 F.R.D. 305, 305–06 (D.
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1 Nev. 1983); *Arrambide v. St. Mary's Hosp., Inc.*, 647 F. Supp. 1148, 1149 (D. Nev.
2 1986).

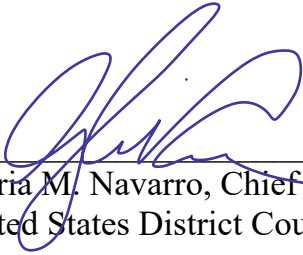
3 Because Plaintiff resides outside of Nevada, (Compl. ¶ 1, ECF No. 1), the Court
4 finds that it is appropriate to require Plaintiff to post a security bond of \$500.00 in this
5 matter pursuant to NRS § 18.130.

6 **IV. CONCLUSION**

7 **IT IS HEREBY ORDERED** that the Motion for Demand for Security of Costs
8 (ECF No. 11) is **GRANTED**.

9 **IT IS FURTHER ORDERED** that Plaintiff must submit a bond pursuant to this
10 Order in the amount of \$500.00 as to Defendant. Failure to do so within thirty days of
11 the filing date of this Order shall constitute grounds for dismissal.

12 **DATED** this 31 day of October, 2016.

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17 Gloria M. Navarro, Chief Judge
18 United States District Court
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