

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

* * *

FEDERAL HOME LOAN MORTGAGE
CORPORATION, WELLS FARGO BANK,
N.A.,

Case No. 2:16-CV-2664 JCM (PAL)

ORDER

Plaintiff(s),

v.

T-SHACK, INC., et al.,

Defendant(s).

Presently before the court is defendant T-Shack, Inc.’s demand for security of costs against plaintiffs Federal Home Loan Mortgage Corporation (“Freddie Mac”) and Wells Fargo Bank, N.A. (ECF No. 8).

“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)).

In their complaint, plaintiffs allege that “Wells Fargo is a citizen of South Dakota and no other domestic state” and that “Freddie Mac is located at 8200 Jones Branch Drive in McLean, Virginia.” (ECF No. 1 at 2). There is no indication that either plaintiff is a resident of Nevada or is otherwise not a foreign corporation. (*Id.*).

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

This court finds that defendant properly invokes NRS 18.130. Pursuant to that statute, each 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. 8) be, and the same hereby is, GRANTED.

IT IS FURTHER ORDERED that plaintiffs Federal Home Loan Mortgage Corporation and Wells Fargo Bank, N.A. shall each post a cost bond in the amount of \$500.00 or make a cash deposit of \$500.00 as to T-Shack, Inc. within seven (7) days of the entry of this order.

DATED February 21, 2017.


UNITED STATES DISTRICT JUDGE