

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 U.S. BANK, NATIONAL)
4 ASSOCIATION, AS TRUSTEE FOR C-)
5 BASS TRUST 2006-CB9, C-BASS)
6 MORTGAGE LOAN ASSET-BACKED)
7 CERTIFICATES, SERIES 2006-CB9,)

Case No.: 2:17-cv-00246-GMN-CWH

ORDER

8 Plaintiff,)

9 vs.)

10 SFR INVESTMENT POOL 1, LLC, et al.,)

11 Defendants.)

12 Pending before the Court is a Motion for Demand for Security of Costs, (ECF No.
13 10), filed by Defendant SFR Investments Pool 1, LLC ("Defendant"). For the reasons set
14 forth below, the Motion is GRANTED.

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. See, e.g., Feagins v. Trump Org., No. 2:11-cv-01121-
25 GMN, 2012 WL 925027, at *1 (D. Nev. Mar. 19, 2012).

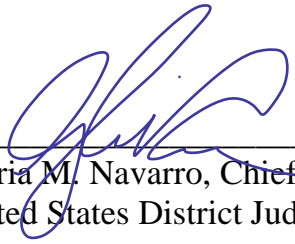
1 Because Plaintiff U.S. Bank, National Association, as Trustee for C-BASS Trust
2 2006-CB9, C-BASS Mortgage Loan Asset-Backed Certificates, Series 2006-CB9, resides
3 outside of Nevada, (Compl. ¶ 5, ECF No. 1), the Court finds that it is appropriate to
4 require Plaintiff to post a security bond of \$500.00 in this matter pursuant to NRS
5 § 18.130.

6 **IV. CONCLUSION**

7 **IT IS HEREBY ORDERED** that the Motion Demanding Security of Costs, (ECF
8 No. 10), 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 6 day of March, 2017.

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