

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 THE BANK OF NEW YORK MELLON)
4 FKA THE BANK OF NEW YORK AS)
5 TRUSTEE FOR THE)
6 CERTIFICATEHOLDERS OF THE)
7 CWABS, INC. ASSET-BACKED)
8 CERTIFICATES, SERIES 2005-4,)
9 Plaintiff,)
10 vs.)
11 SFR INVESTMENTS POOL 1, LLC;)
12 ALIANTE MASTER ASSOCIATION; and)
13 DOES 1 THROUGH 10, INCLUSIVE,)
14 Defendants.)

Case No.: 2:17-cv-00779-GMN-VCF

ORDER

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

17 The Ninth Circuit recognizes that "federal district courts have inherent power to
18 require plaintiffs to post security for costs." Simulnet E. Assocs. v. Ramada Hotel
19 Operating Co., 37 F.3d 573, 574 (9th Cir. 1994). Under Nevada law, "[w]hen a plaintiff
20 in an action resides out of the State, or is a foreign corporation, security for the costs and
21 charges which may be awarded against such plaintiff may be required by the defendant."
22 NRS § 18.130(1). "After the lapse of 30 days from the service of notice that security is
23 required . . . upon proof thereof, and that no undertaking as required has been filed, the
24 court or judge may order the action to be dismissed." NRS § 18.130(4). It is the policy of
25 the United States District Court for the District of Nevada to enforce the requirements of

1 NRS § 18.130 in diversity actions. See, e.g., Feagins v. Trump Org., No. 2:11-cv-01121-
2 GMN, 2012 WL 925027, at *1 (D. Nev. Mar. 19, 2012).

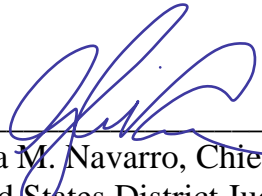
3 Because Plaintiff The Bank of New York Mellon (“Plaintiff”) resides outside of
4 Nevada, (Compl. ¶ 1, ECF No. 1), the Court finds that it is appropriate to require Plaintiff
5 to post a security bond of \$500.00 in this matter pursuant to NRS § 18.130.

6 **IV. CONCLUSION**

7 **IT IS HEREBY ORDERED** that the Motion Demanding Security of Costs (ECF
8 No. 9) 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 17 day of April, 2017.

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