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9

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

12 DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR FIRST
13 FRANKLIN MORTGAGE LOAN TRUST
2006-FF11, MORTGAGE PASS-THROUGH
14 CERTIFICATES, SERIES 2006-FF11,

Case No.: 2:17-cv-01504-RFB-CWH

**SFR INVESTMENTS POOL 1, LLC'S
DEMAND FOR SECURITY OF COSTS
PURSUANT TO NRS 18.130(1)**

15 Plaintiff,

16 vs.

17 SFR INVESTMENTS POOL 1, LLC, a
Nevada limited-liability company;
18 LAMPLIGHT SQUARE @ CORONADO
RANCH, LLC, a Nevada limited-liability
19 company; LAMPLIGHT SQUARE @
CORONADO RANCH HOMEOWNERS'
20 ASSOCIATION, a Nevada non-profit
corporation; and ALESSI & KOENIG, LLC, a
21 Nevada limited-liability company,

22 Defendants.

SFR INVESTMENTS POOL 1, LLC'S DEMAND FOR SECURITY OF COSTS
PURSUANT TO NRS 18.130(1)

25 Defendant SFR INVESTMENTS POOL 1, LLC ("SFR") hereby demands that Plaintiff
26 DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR FIRST
27 FRANKLIN MORTGAGE LOAN TRUST 2006-FF11, MORTGAGE PASS-THROUGH
28 CERTIFICATES, SERIES 2006-FF11 ("DEUTSCHE BANK" or "Bank"), an out-of-state

1 resident, post a cost bond pursuant to NRS 18.130(1).

2 In Nevada, if a plaintiff resides outside of Nevada or is a foreign corporation, like the
3 Bank, “security for the costs and charges which may be awarded against such plaintiff may be
4 required by defendant, by the filing and service on plaintiff of a written demand therefor within
5 the time limited for answering the complaint.” NRS 18.130(1). When a defendant demands a
6 cost bond, “all proceedings in the action shall be stayed” until plaintiff files “an undertaking,
7 executed by two or more persons, to be filed with the clerk, to the effect that they will pay such
8 costs and charges as may be awarded against the plaintiff by judgment, or in the progress of the
9 action” or “in lieu of such undertaking, the plaintiff may deposit \$500, lawful money, with the
10 clerk of the court.” Id. “After the lapse of 30 days from the service of notice that security is
11 required, or of an order for new or additional security, upon proof thereof, and that no
12 undertaking as required has been filed, the court or judge may order the action to be dismissed.”
13 NRS 18.130(4).

14 “It is the policy of the United States District Court for the District of Nevada to enforce
15 the requirements of NRS 18.130 in diversity actions.” *Feagins v. Trump Organization*, 2012 WL
16 925027 (D. Nev.)(citing *Hamar v. Hyatt Corp.*, 98 F.R.D. 305, 305-6 (D. Nev. 1983); *Arrambide*
17 *v. St. Mary’s Hosp., Inc.*, 647 F.Supp. 1148, 1149 (D. Nev. 1986)).

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1 Here DEUTSCHE BANK is not a Nevada citizen, but rather a national banking
2 association organized under the laws of the United States, with its principal office located in
3 California. Accordingly, SFR demands that the Bank post a \$500 cost bond within thirty (30)
4 days and that the proceedings be stayed until such cost bond is posted. Should the Bank fail to
5 comply with the requirements of NRS 18.130 within thirty (30) days, SFR requests this action be
6 dismissed.

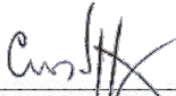
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8 DATED this 8th day of August, 2017.

9 **KIM GILBERT EBRON**

10
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28

IT IS SO ORDERED.

DATED: August 10, 2017



C.W. HOFFMAN, JR.
UNITED STATES MAGISTRATE JUDGE

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CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of August, 2017, pursuant to FRCP 5(b)(2)(E), I caused service of a true and correct copy of the foregoing **SFR INVESTMENTS POOL 1, LLC'S DEMAND FOR SECURITY OF COSTS PURSUANT TO NRS 18.130(1)** to be made electronically via the U.S. District Court's Case Management/Electronic Case Files (CM/ECF) system upon the following parties at the e-mail addresses listed below:

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