

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

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TAMMY VO,

Plaintiff,

v.

AMERICAN BROKERS CONDUIT; et al.,

Defendants.

3:09-cv-00654-LRH-VPC

ORDER

Before the court is plaintiff Tammy Vo’s (“Vo”) motion to certify a question to the Nevada Supreme Court. Doc. #66.¹

Rule 5 of the Nevada Rules of Appellate Procedure provides that “the [Nevada Supreme Court] may answer questions of law certified to it . . . which may be determinative of the cause then pending in the certifying court and as to which it appears to the certifying court there is no controlling precedent in the decisions of [this court.]” NEV. R. APP. P. 5(a).

Here, Vo requests the court certify the following question to the Nevada Supreme Court:

Under the Nevada non-judicial foreclosure statute, NRS 107.080, *et seq.*, when a Notice of Default is recorded by a Trustee or other purported agent of the beneficiary prior to the recording of a document appointing that Trustee or purported agent, is the resulting foreclosure invalid so as to require at least one additional document to be recorded to correct the foreclosure process?

¹ Refers to the court’s docket entry number.

1 The court has reviewed the documents and pleadings on file in this matter and finds that the
2 requested question is not determinative of the claims in the present action. The requested question
3 concerns technical issues of Nevada law involving the filing of a notice of default which is not at
4 issue in this action. Therefore, the court shall deny Vo's motion for certification.

5
6 IT IS THEREFORE ORDERED that plaintiff's motion to certify a question to the Nevada
7 Supreme Court (Doc. #66) is DENIED.

8 IT IS SO ORDERED.

9 DATED this 31st day of May, 2011.



10
11 _____
12 LARRY R. HICKS
13 UNITED STATES DISTRICT JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26