

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 FEDERAL TRADE COMMISSION,)

4 Plaintiff,)

5 vs.)

6 INFUSION MEDIA, INC., et al.)

7 Defendants.)

Case No.: 2:09-cv-01112-GMN-LRL

ORDER

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9 Pending before the Court is a Motion for an Order Releasing the Frozen Account of
10 Evolved Technology (ECF No. 67), filed by the Receiver, Robert G. Wing. For the reasons that
11 follow, the Court will grant this motion.

12 DISCUSSION

13 According to the Local Rules of Practice in this Court, responses to a motion must be
14 served by an opposing party within fourteen days after service of the motion. D. Nev. R. 7-2(a).
15 “The failure of an opposing party to file points and authorities in response to any motion shall
16 constitute a consent to the granting of the motion.” D. Nev. R. 7-2(d); *see Obiajulu v. Rite Aid*
17 *Headquarters Corp.*, No. 2:07-cv-1287-KJD-LRL, 2010 WL 3168054, at *1 (D. Nev. Aug. 9,
18 2010).


19 Mr. Wing electronically filed his Motion on CM/ECF on August 13, 2010, thereby
20 serving all parties to the lawsuit; thus, all other parties were required to respond no later than
21 August 30, 2010. However, no parties have filed a response.

22 Under the Local Rules, such a failure to respond is tantamount to the other parties
23 agreeing that Mr. Wing’s motion should be granted. Accordingly, and for good cause shown, the
24 Court grants Mr. Wing’s Motion for an Order Releasing the Frozen Account of Evolved
25 Technology.

1 **CONCLUSION**

2 IT IS HEREBY ORDERED that Robert G. Wing's Motion for an Order Releasing the
3 Frozen Account of Evolved Technology (ECF No. 67) is GRANTED. The account of Evolved
4 Technology, LLC with Wells Fargo Bank shall no longer be subject to the receivership asset
5 freeze in the present matter and that account shall be released to Evolved Technology, LLC.

6 DATED this 5th day of October 2010.

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10 Gloria M. Navarro
11 United States District Judge
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