

1 JAMES E. GIBBONS (pro hac vice)
2 Cal. State Bar No. 130631
3 **MANNING & KASS**
4 **ELLROD, RAMIREZ, TRESTER LLP**
5 801 South Figueroa Street, 15th Floor
6 Los Angeles, CA 90017
7 Tel. (213) 624-6900
8 jeg@manningllp.com

9 ROBERT W. COHEN (pro hac vice)
10 Cal. State Bar No. 150310
11 MARIKO TAENAKA (pro hac vice)
12 Cal. State Bar No. 273895
13 **LAW OFFICES OF ROBERT W. COHEN, A.P.C.**
14 1875 Century Park East, Suite 1770
15 Los Angeles, CA 90067
16 Tel. (310) 282-7586
17 rwc@robertwcohenlaw.com
18 mt@robertwcohenlaw.com

19 Attorneys for Plaintiffs

20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

29 SHIGE TAKIGUCHI, FUMI NONAKA,
30 MITSUAKI TAKITA, KAORUKO KOIZUMI,
31 TATSURO SAKAI, SHIZUKO ISHIMORI, YOKO
32 HATANO, YUKO NAKAMURA, HIDEHITO
33 MIURA, YOSHIKO TAZAKI, MASAAKI
34 MORIYA, HATSUNE HATANO, SATORU
35 MORIYA, HIDENAO TAKAMA, SHIGERU
36 KURISU, SAKA ONO, KAZUHIRO
37 MATSUMOTO, KAYA HATANAKA, HIROKA
38 YAMAJIRI, KIYOHARU YAMAMOTO, JUNKO
39 YAMAMOTO, KOICHI INOUE, AKIKO NARUSE,
40 TOSHIMASA NOMURA, and RITSU YURIKUSA,
41 individually and on behalf of all others similarly
42 situated,

43 Case No.: 2:13-cv-01183-HDM-VCF
44 ORDER GRANTING
45 **STIPULATION AND PROPOSED**
46 **ORDER TO AMEND THE CLASS**
47 **DEFINITION**

48 Plaintiff,

49 v.

50 MRI INTERNATIONAL, INC., EDWIN J.
51 FUJINAGA, JUNZO SUZUKI, PAUL MUSASHI
52 SUZUKI, LVT, INC., dba STERLING ESCROW,
53 and DOES 1-500,

54 Defendants.

1 On March 21, 2016, this Court granted plaintiffs' motion for class certification. Dkt. No. 404.

2 The order certified the following MRI investor class:

3 [A]ll persons who purchased MRI securities during the period July 5, 2008,
4 through May 1, 2013, and were injured as a result of the defendants'
5 conduct. Excluded from the class are the defendants, their employees, their
6 family members and their affiliates, and the following 26 individuals who
7 are plaintiffs in the pending litigation against the defendants in Japan: (1)
8 Tomoyasu Kojima; (2) Keiko Amaya; (3) Masakazu Sekihara; (4) Chiri
9 Satou; (5) Meiko Murakami; (6) Masayoshi Tsutsumi; (7) Yumiko
10 Ishiguro; (8) Reiko Suzuki; (9) Hiroji Sumita; (10) Eiko Uchiyama; (11)
11 Hideyo Uchiyama; (12) Youzou Shiki; (13) Naoki Nagasawa; (14) Noboru
12 Yokoyama; (15) Masami Segawa; (16) Fumiko Takagi; (17) Kumiko
13 Kaita; (18) Fumi Kobayashi; (19) Ikuko Miyazaki; (20) Hina Nagase; (21)
14 Akio Iwama; (22) Kouji Kishida; (23) Eri Kishida; (24) Nomai Nii; (25)
15 Youko Miyahara; and (26) Tsukiko Kurano.

16 Plaintiffs prepared and filed a proposed Notice of Class Certification using the above class definition.
17 Dkt. No. 410.

18 However, upon further review of the class definition, the parties now recognize that this class
19 definition inadvertently excludes certain class members (namely those who purchased prior to the class
20 period but nonetheless were injured during the class period) who were included as proposed class
21 members in the Fourth Amended Complaint (Dkt. No. 223). Specifically, paragraph 18 of the Fourth
22 Amended Complaint defines the class as follows:

23 "18. Plaintiffs seek relief on behalf of themselves and a class of all
24 persons, during the Class Period, who were MRI investors and who were
25 injured as a result of defendants' illegal Ponzi scheme and actions ("Class
26 or Class Members"). Excluded from the Class are the Defendants, their
27 employees, their family members, and affiliates of defendants."

28 A court can amend or alter the class definition at any time, for any reason, before a decision on
the merits. Fed.R.Civ.P. 23(c)(1); Vizcaino v. U.S. Dist. Court for Western Dist. of Washington, 173 F.3d
713, 721 (9th Cir. 1999) (citing Rule 23(c)(1), which gives the court "explicit permission to alter or
amend a certification order before [a] decision on the merits . . ."); Andrews Farms v. Ca/cot, Ltd., 268
F.R.D. 380, 384 (E.D. Cal. 2010) (citing Armstrong v. Davis, 275 F.3d 849, 871 (9th Cir. 2001) ("[e]ven
after a certification order is entered, the judge remains free to modify").

1 The parties therefore seek to have the class definition of the class certification order amended to
2 be consistent with the definition set forth in the operative complaint, and that the court approve the
3 revised Notice of Class Certification.

4 The parties therefore stipulate as follows:

5 1. The class definition in the Order Granting Class Certification shall be amended as follows:

6 The MRI Investor Class consisting of: all persons who were MRI investors
7 and who were injured as a result of the defendants' alleged illegal Ponzi
8 scheme and actions from July 5, 2008 through July 5, 2013. Excluded
9 from the class are the defendants, their employees, their family members
10 and their affiliates, and the following 26 individuals who are plaintiffs in
11 the pending litigation against the defendants in Japan: (1) Tomoyasu
12 Kojima; (2) Keiko Amaya; (3) Masakazu Sekihara; (4) Chiri Satou; (5)
13 Meiko Murakami; (6) Masayoshi Tsutsumi; (7) Yumiko Ishiguro; (8)
14 Reiko Suzuki; (9) Hiroji Sumita; (10) Eiko Uchiyama; (11) Hideyo
15 Uchiyama; (12) Youzou Shiki; (13) Naoki Nagasawa; (14) Noboru
16 Yokoyama; (15) Masami Segawa; (16) Fumiko Takagi; (17) Kumiko
17 Kaita; (18) Fumi Kobayashi; (19) Ikuko Miyazaki; (20) Hina Nagase; (21)
18 Akio Iwama; (22) Kouji Kishida; (23) Eri Kishida; (24) Nomai Nii; (25)
19 Youko Miyahara; and (26) Tsukiko Kurano.

20 2. That the Court approve the Notice of Class Certification, attached hereto as Exhibit A.

21 Respectfully submitted.

22 Dated: May 5, 2016

23 MANNING & KASS
24 ELLROD, RAMIREZ, TRESTER LLP

25 By: /s/ James Gibbons
26 JAMES E. GIBBONS
27 STEVEN J. RENICK

28 ZACCARO MORGAN LLP

29 By: /s/ Nicolas Morgan
30 NICOLAS MORGAN
31 Attorneys for Defendants Junzo Suzuki and
32 Paul Suzuki

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
27
28

HITZKE & ASSOCIATES

By: /s/ Erick Ferran
ERICK FERRAN
Attorneys for Defendants MRI International,
Inc. and Edwin Y. Fujinaga

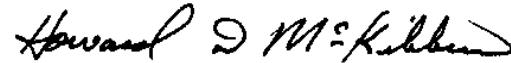
LAW OFFICES OF ROBERT A. GOLDSTEIN

By: /s/ Robert Goldstein
ROBERT A. GOLDSTEIN
Attorneys for Defendant LVT, Inc., dba
Sterling Escrow

The stipulation of the parties (#425) is GRANTED.

IT IS SO ORDERED.

DATED: May 6, 2016



Hon. Howard D. McKibben
United States District Judge