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11 Attorneys for Plaintiffs

12 **UNITED STATES DISTRICT COURT**
 13 **DISTRICT OF NEVADA**

14 SHIGE TAKIGUCHI, FUMI NONAKA,
 15 MITSUAKI TAKITA, TATSURO SAKAI,
 SHIZUKO ISHIMORI, YUKO NAKAMURA,
 16 MASAAKI MORIYA, HATSUNE HATANO, and
 HIDENAO TAKAMA, individually and on behalf of
 17 all others similarity situated,

18 Plaintiff,

19 v.

20 MRI INTERNATIONAL, INC., EDWIN J.
 FUJINAGA, JUNZO SUZUKI, PAUL MUSASHI
 21 SUZUKI, LVT, INC., dba STERLING ESCROW,
 and DOES 1-500,
 22

23 Defendants.

Case No.: 2:13-cv-01183-HDM-NJK

**ORDER AND STIPULATION FOR
 SECOND CONTINUANCE OF
 DEADLINE TO FILE MOTION
 FOR PRELIMINARY APPROVAL
 OF CLASS ACTION
 SETTLEMENT AS TO MRI
 INTERNATIONAL, INC. AND
 EDWIN FUJINAGA**

1 Plaintiffs Shige Takiguchi, et. al. and Defendants MRI International, Inc. (“MRI”) and Edwin
2 Fujinaga (collectively the “Parties”) submit this stipulation for an order continuing the deadline for
3 dispositive motions.

4 WHEREAS, on November 17, 2017 the Court ordered Parties to file a motion for preliminary
5 approval of class action settlement no later than December 11, 2017 (Dkt. 764);

6 WHEREAS, the Parties reached a settlement in principle in September 2017 and have exchanged
7 drafts of the settlement agreement (“Class Action Settlement Agreement”);

8 WHEREAS, on November 17, 2017 Mr. Fujinaga raised, for the first time, his concern that, since
9 a receiver has been appointed by the Court in the parallel U.S Securities and Exchange Commission’s
10 action against MRI and himself (SEC v. MRI International, Inc., USDC Nevada Case No. 2:13-cv-1658,
11 Dkt. 226) (“SEC Action”), he believed that he may not be authorized to enter into any settlement on
12 behalf of MRI or himself;

13 WHEREAS, on November 18, 2017, the Court appointed receiver in the SEC Action, Robb
14 Evans & Associates, confirmed its belief to plaintiff’s counsel that Mr. Fujinaga was not authorized to
15 enter into a settlement agreement with Plaintiffs and directed that Plaintiffs send a copy of the Class
16 Action Settlement Agreement to the receiver’s counsel, Lynch Law Practice;

17 WHEREAS, on November 30, 2017, the Receiver declined to enter into the Class Action
18 Settlement Agreement because he did not believe that the settlement would benefit the receivership
19 estate;

20 WHEREAS, on November 30, 2017, and December 7, 2017, Plaintiffs’ counsel met and
21 conferred with Receiver’s counsel, Michael Lynch, Esq., explaining that the order appointing receiver
22 specifically includes a carve-out provision exempting the present action from the Receiver’s control and
23 that, in any event, the settlement is in the best interest of all parties, including the receivership estate;

24 WHEREAS, the Receiver maintains its position that he is unable to authorize the settlement
25 absent direction from the Court;

26 WHEREAS, on December 15, 2017, the Parties filed a joint motion in the SEC Action requesting
27 direction from the Court, either that the Receiver lacks authority to direct the settlement in this action, or
28 that Judge Mahan order the Receiver to enter into the Class Action Settlement Agreement;

1 WHEREAS, on December 22, 2017, the Receiver filed a response to the joint motion;
2 WHEREAS, on January 8, 2018, the Parties filed a reply conveying this Court's strong belief that
3 it is in the best interest of all the parties for Judge Mahan to approve the settlement;
4 WHEREAS, Judge Mahan has not yet ruled on the joint motion; and
5 WHEREAS, this is the Parties' second request for a continuance;
6 NOW, therefore, the Parties jointly move that the Court enter an order providing for:

- 7 1. A 30-day continuance of the deadline to file a motion for preliminary approval to
8 February 9, 2018.

9 Dated: January 10, 2018

10 MANNING & KASS
11 ELLROD, RAMIREZ, TRESTER LLP

12 By: /s/ James Gibbons
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14 STEVEN J. RENICK
15 Attorneys for Plaintiffs

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17 A Professional Corporation

18 By: /s/ Robert W. Cohen
19 ROBERT W. COHEN
20 MARIKO TAENAKA
21 Attorneys for Plaintiffs

22 HITZKE & FERRAN

23 By: /s/ Erick Ferran
24 Erick Ferran
25 Attorneys for Defendant MRI International,
26 Inc. and Edwin Fujinaga

27 PURSUANT TO STIPULATION, IT IS SO ORDERED.

28 DATED: January 10, 2018


Howard D. McKelvey
United States District Judge