

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff(s),

v.

EDWIN YOSHIHIRO FUJINAGA and MRI
INTERNATIONAL, INC., et al.,

Defendant(s).

Case No. 2:13-CV-1658 JCM (CWH)

ORDER

Presently before the court is receiver Robb Evans & Associates LLC's ("receiver") motion for order approving and authorizing payment of receiver's and professionals' fees and expenses and motion for order granting relief from Local Rule 66-5 pertaining to notice of creditors. (ECF No. 352). No response was filed, and the deadline to respond has now passed.

The receiver requests an order "approving and authorizing payment of receivership fees and expenses incurred for the three-month period from April 1, 2016 through June 30, 2016 (the '[e]xpense [p]eriod')." (ECF No. 352). This includes fees for the receiver and its deputies, agents, staff and professionals in the amount of \$68,106.43, their expenses in the amount of \$478.40, business entity expenses in the amount of \$11,108.43, and expenses related to the estate's real property in the amount of \$92,141.79. (ECF No. 352). This also includes fees to Lynch Law Practice, PLLC in the amount of \$20,245.80 and its expenses in the amount of \$1,502.97. (ECF No. 352). The cumulative total for the expense period is \$193,583.69." (ECF No. 352).

The motion sets forth the receiver's services and activities during the expense period, as well as the law supporting an award of the requested fees. (ECF No. 352). Local Rule 7-2(d) provides that "the failure of an opposing party to file points and authorities in response to any

1 motion shall constitute a consent to the granting of the motion.” LR 7-2(d). The court will
2 therefore grant the instant unopposed motion.

3 Further, to the extent that Local Rule 66-5 applies here, the court finds that the receiver has
4 given sufficient notice to creditors under the rule. The receiver filed the instant motion on the
5 public CM/ECF docket in this case. The court set a response deadline for the motion. The deadline
6 has now passed and no response or other objection has been filed by any party.

7 Good cause appearing, the court will grant the instant motion.

8 Accordingly,

9 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the receiver’s motion for
10 order approving and authorizing payment of receiver’s and professionals’ fees (ECF No. 352) be,
11 and the same hereby is, GRANTED.

12 IT IS FURTHER ORDERED that the receiver’s motion for an order finding notice to
13 creditors to be sufficient under Local Rule 66-5 (ECF No. 352) be, and the same hereby is,
14 GRANTED.

15 DATED September 23, 2016.

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UNITED STATES DISTRICT JUDGE