

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3
4 MGM Grand Hotel, LLC,
5 Plaintiff

6 v.

7 Kyung Shin aka Kyung S. Shin, et al.,
8 Defendants

2:16-cv-02347-JAD-NJK

**Order Granting Unopposed
Motion to Dismiss Punitive Damages Claim
in First Amended Complaint**

[ECF No. 45]

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10 MGM Grand Hotel, LLC brings this suit to recover its losses caused when defendant
11 Kyung Shin used a fraudulently issued bank draft for gaming credit and other benefits. In its
12 amended complaint against Shin and the issuing financial institutions Canadian Imperial Bank of
13 Commerce and CIBC Securities, Inc. (collectively, “CIBC”), MGM prays for punitive damages
14 against all defendants.¹ CIBC moves to dismiss this punitive damages “claim”² against it,
15 arguing that the amended complaint lacks facts to support such an award.³

16 MGM has not opposed the motion, and the deadline for response passed without any
17 request for an extension.⁴ Local Rule 7-2(d) states that the “failure of an opposing party to file
18 points and authorities in response to” a motion to dismiss “constitutes a consent to the granting
19 of the motion.”⁵ I invoke LR 7-2(d) and deem MGM’s failure to oppose this motion to dismiss

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22 ¹ ECF No. 33.

23 ² Punitive damages are a remedy, not an independent claim for relief, and MGM has not pled its
24 request for punitive damages as an independent cause of action. *See* ECF No. 33. Accordingly, I
25 treat this motion to dismiss the “claim” for punitive damages as a request to strike the
26 unsupported prayer for punitive damages under FRCP 12(f).

27 ³ ECF No. 45.

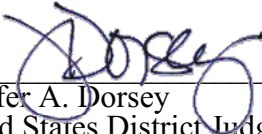
28 ⁴ Any opposition was due by 2/19/17.

⁵ Nev. L.R. 7-2(d).

1 as consent to granting the motion; accordingly,

2 IT IS HEREBY ORDERED that CIBC's Motion to Dismiss [ECF No. 45] is
3 **GRANTED; MGM's prayer for punitive damages against CIBC and any allegations**
4 **supporting that prayer are deemed stricken.**

5 DATED: February 22, 2017

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9 Jennifer A. Dorsey
10 United States District Judge
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