

1 **UNITED STATES DISTRICT COURT**  
2 **DISTRICT OF NEVADA**

3 \* \* \*

4 BANK OF AMERICA, N.A.,

5 Plaintiff,

6 v.

7 MANUEL HERNANDEZ, et al.,

8 Defendants.

Case No. 2:17-cv-03108-RFB-CWH

**ORDER**

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10 Presently before the court is plaintiff Bank of America, N.A.'s motion to exclude  
11 undisclosed witnesses and documents (ECF No. 29), filed on August 27, 2018. Defendant  
12 Manuel Hernandez has not filed a response.

13 Also before the court is plaintiff's motion for attorney's fees and costs (ECF No. 30), filed  
14 on August 27, 2018. Defendant has not filed a response.

15 Plaintiff moves to exclude defendant's undisclosed witnesses and documents. Under  
16 Local Rule 7-2(d), the "failure of an opposing party to file points and authorities in response to  
17 any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney's fees, constitutes a  
18 consent to granting of the motion." The court will therefore grant plaintiff's motion to exclude  
19 defendant's undisclosed witnesses and documents. In light of this disposition, the court declines  
20 to further award attorney's fees.

21 IT IS THEREFORE ORDERED that plaintiff's motion to exclude defendant's  
22 undisclosed witnesses and documents (ECF No. 29) is GRANTED.

23 IT IS FURTHER ORDERED that plaintiff's motion for attorney's fees and costs (ECF  
24 No. 30) is DENIED.

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26 DATED: September 20, 2018

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C.W. HOFFMAN, JR.  
UNITED STATES MAGISTRATE JUDGE