

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

CAA INDUSTRIES, LTD.,

Plaintiff,

VS.

## RECOVER INNOVATIONS, INC.,

Defendant.

Case No.: 2:22-cv-00581-GMN-EJY

## **ORDER GRANTING MOTION TO DISMISS**

Defendant Recover Innovations filed a Motion to Dismiss the First Amended Complaint, (ECF No. 83), to which Plaintiff CAA Industries did not respond by the September 20, 2024, deadline. Defendant then filed a Notice of Non-Opposition, (ECF No. 88).

In the Court’s previous Order Extending Plaintiff’s Response Deadline, it noted that although Defendant served the Motion to Dismiss at the physical address provided by Plaintiff’s former counsel, the Court’s *Klingele* Minute Order was distributed only by NEF and not sent via email or mail to Plaintiff. (Order Extending Deadline, ECF No. 89). The Court requested that the Clerk email and physically mail Plaintiff the Motion to Dismiss, *Klingele* Minute Order, Defendant’s Notice of Non-Opposition, and the Court’s Order Extending the Response Deadline, using the email addresses and physical address provided in Plaintiffs’ Counsel’s Motion to Withdraw as Attorney, (ECF No. 71). (*Id.*). To ensure Plaintiff had proper notice of the filings, the Court extended Plaintiff’s Response Deadline to Defendant’s Motion to Dismiss to January 15, 2025. (*Id.*). The Court reminded Plaintiff that if the Motion to Dismiss is granted, judgment may be entered and the lawsuit will end without trial. (*Id.*).

As of the date of this Order, Plaintiff has failed to respond to the Motion to Dismiss or otherwise inform the Court of its intent to oppose. Pursuant to LR 7.2(d), “[t]he failure of an

1 opposing party to file points and authorities in response to any motion, except a motion under  
2 Fed. R. Civ. P. 56 or a motion for attorney's fees, constitutes a consent to the granting of the  
3 motion." Therefore, the Court grants the Motion to Dismiss as unopposed.

4 Accordingly,

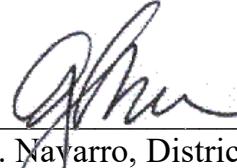
5 **IT IS HEREBY ORDERED** that the Motion to Dismiss, (ECF No. 83), is GRANTED.

6 The action is dismissed without prejudice.

7 The Clerk of Court is kindly requested to close this case.

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9 **DATED** this 4 day of March, 2025.



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11 Gloria M. Navarro, District Judge  
12 UNITED STATES DISTRICT COURT  
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