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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 SECURITIES AND EXCHANGE  
11 COMMISSION,

Plaintiff,

v.

12 PATH AMERICA, LLC, et al.,

13 Defendants.  
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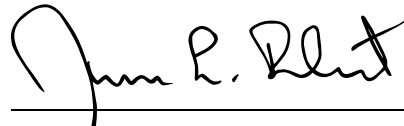
CASE NO. C15-1350JLR

ORDER GRANTING  
UNOPPOSED MOTION FOR AN  
ORDER APPROVING THE  
SETTLEMENT OF CLAIMS RE:  
ZHOU YAN

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16 Before the court is the Receiver Michael A. Grassmueck's motion for an order  
17 approving the terms of the Receiver's settlement of claims regarding Zhou Yan. (Mot.  
18 (Dkt. # 604).) An opposition to the motion was due by December 26, 2017. *See* Local  
19 Rules W.D. Wash. LCR 7(d)(3) ("Any opposition papers shall be filed and served not  
20 later than the Monday before the noting date."). No party has filed a response to the  
21 motion. (*See generally* Dkt.; *see also* Notice of Non-Receipt of Opposition (Dkt. # 605).)  
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1            “[I]f a party fails to file papers in opposition to a motion, such failure may be  
2 considered by the court as an admission that the motion has merit.” Local Rules W.D.  
3 Wash. LCR 7(b)(2). Further, the court has reviewed the Receiver’s motion and has  
4 considered (a) the probability of success in the litigation, (b) the difficulties to be  
5 encountered in the matter of collection, (c) the complexity of the litigation involved and  
6 the expense, inconvenience, and delay necessarily attending it, and (d) the paramount  
7 interest of the creditors and a proper deference to their reasonable views. *See In re*  
8 *Woodson*, 839 F.2d 610, 620 (9th Cir. 1988). The court concludes that these factors  
9 weigh in favor of approving the settlement and that the settlement is in the best interest of  
10 the Receivership. Accordingly, the court GRANTS the Receiver’s motion (Dkt. # 604).

11            Dated this 27th day of December, 2017.

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14            JAMES L. ROBART  
15            United States District Judge  
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