

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff(s),

v.

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

Defendant(s).

Case No.: 2:13-CV-01658-JCM (CWH)

ORDER

Presently before the court is receiver Robb Evans & Associates LLC’s (“receiver”) motion for order: (1) approving and authorizing payment of receiver’s and professionals’ fees and expenses; and (2) granting relief from Local Rule 66-5 pertaining to notice to creditors. (ECF No. 559). No response was filed, and the deadline to do so has passed.

The receiver requests an order “approving and authorizing payment of receivership fees and expenses incurred for the six-month period from July 31, 2019 through December 31, 2019,” the “reporting period.” *Id.* This includes fees for the receiver and its deputies, agents, staff and professionals in the amount of \$9,363.60, their expenses in the amount of \$8,502.98, and business entity expenses in the amount of \$13,275.20, and expenses relating to the estate’s real property in the amount of \$65,546.01. *Id.*

1 This request also includes fees to Lynch Law Practice, PLLC in the amount of
2 \$7,700.40 and its expenses in the amount of \$1,271.40. *Id.* The cumulative total for the
3 expense period is \$105,659.59. *Id.*

4 The motion sets forth the receiver's services and activities during the expense
5 period, as well as the law supporting an award of the requested fees. Further, Local Rule
6 7-2(d) provides that "the failure of an opposing party to file points and authorities in
7 response to any motion ... constitutes a consent to the granting of the motion." LR 7-
8 2(d). The court will therefore grant the instant unopposed motion.

9 Further, to the extent that Local Rule 66-5 applies here, the court finds that the
10 receiver has given sufficient notice to creditors under the rule. The receiver filed the
11 instant motion on the public CM/ECF docket for this case. The court set a response
12 deadline for the motion. The deadline has now passed, and no response or other objection
13 has been filed by any party. Further, the receiver served copies of all motion papers on
14 the parties to the action and on all known non-consumer creditors (ECF No. 563).

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

16 Accordingly,

17 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the receiver's
18 motion for order approving and authorizing payment of receiver's and professionals' fees
19 and expenses (ECF No. 559) be, and the same hereby is, GRANTED.

20 IT IS FURTHER ORDERED that the receiver's motion for order granting relief
21 from Local Rule 66-5 pertaining to notice to creditors (ECF No. 559) be, and the same
22 hereby is, GRANTED.

23 DATED April 24, 2020.

24 
25 _____
26 UNITED STATES DISTRICT JUDGE
27
28