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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff(s),

v.

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

Defendant(s).

Case No. 2:13-CV-1658 JCM (CWH)

ORDER

Presently before the court is Robb Evans & Associates LLC's, the court-appointed receiver, motion for an order authorizing and approving the sale via auction of the real property located at 2955 Coleman and granting relief from local rule 66-5 pertaining to notice to creditors. (Doc. #301). Defendant has not filed a response and the deadline to do so has passed.

The receiver requests an order approving the proposed sale and overbid procedures for the real property located at 2955 Coleman Street, North Las Vegas, Nevada 89032 (the "Coleman property") and identified by the Clark County assessor as parcel no. 139-17-610-006.

The receiver further requests an order authorizing and confirming the sale of the Coleman real property on an "as is" basis by private sale either (a) to Kyung S. Kim and Mike Barakat and/or their assignee at a purchase price of \$6,595,000.00 pursuant to the offer and acceptance agreement and earnest money receipt, or (b) to such higher qualified overbidder who hereafter submits the highest qualified overbid at a subsequent overbid session to be conducted under the terms and conditions more fully set forth herein and approved by the court, which sale the receiver requests be approved and confirmed without further notice, hearing or order. (Doc. #301. Exh.1). The overbid procedures are detailed fully in the receiver's motion. (Doc. #301).

1           The receiver also seeks an order authorizing it 1) to sell by auction the personal property  
2 located at the Coleman real property; 2) to execute all documents and instruments necessary or  
3 convenient to complete, implement, effectuate and close the sale of the Coleman real property to  
4 the purchaser, and 3) to permit and/or cause to be paid from the proceeds of the sale of the Coleman  
5 real property (a) all ordinary and customary closing costs, (b) all commissions provided for in the  
6 offer and acceptance agreement, and (c) all real property tax liens and prorated real property taxes  
7 due up to the date of closing. The receiver also requests an order for such additional relief as may  
8 be necessary or appropriate to allow the receiver to effectuate the sale of the Coleman property,  
9 including but not limited to, entry of an order authorizing such sale in form acceptable to the title  
10 company insuring title in connection with the sale of the Coleman property.

11           Pursuant to Local Rule 7-2, an opposing party must file points and authorities in response  
12 to a motion and failure to file a timely response constitutes the party's consent to the granting of  
13 the motion. *See* LR IB 7-2(d); *United States v. Warren*, 601 F.2d 471, 474 (9th Cir. 1979).  
14 Defendant has not filed any response in opposition to this motion and the deadline to do so has  
15 passed. Nevertheless, the court reviewed the substantive merits and grants the receiver's motion  
16 in full.

17           The receiver next requests an order deeming notice of this motion to be sufficient under  
18 Local Civil Rule 66-5. (Doc. # 301). Local Rule 66-5 provides that unless the court otherwise  
19 orders, the receiver shall give all interested parties and creditors at least fourteen (14) days' notice  
20 of the time and place of hearings on applications for fees of the receiver. LR 66-5(d). The court  
21 has not scheduled a hearing on the instant motion, and finds that it is unnecessary to do so.

22           However, to the extent that Local Rule 66-5 applies here, the court finds that the receiver  
23 has given sufficient notice to creditors under the rule. The receiver filed the instant motion on the  
24 public CM/ECF docket in this case. The court set response deadlines for the motions. These  
25 deadlines have now passed and no response or other objection has been filed by any party.

26           Good cause appearing, the court will grant the motion in its entirety.

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Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Robb Evans & Associates LLC's motion for an order authorizing and approving the sale via auction of the real property located at 2955 Coleman and granting relief from local rule 66-5 pertaining to notice to creditors (doc. #301) be, and the same hereby is, GRANTED.

DATED April 27, 2016.

  
UNITED STATES DISTRICT JUDGE