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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 receiver Robb Evans & Associates LLC’s (“receiver”) motion for order: (1) approving and authorizing payment of receiver’s and professionals’ fees and expenses; (2) authorizing receiver to file bi-annual reports and fee applications instead of quarterly reports and fee applicants; and (3) granting relief from Local Rule 66-5 pertaining to notice of creditors. (ECF No. 483). No response was filed, and the deadline to respond has now passed.

The receiver requests an order “approving and authorizing payment of receivership fees and expenses incurred for the three-month period from October 1, 2017 through December 31, 2017,” the “reporting period.” (ECF No. 483). This includes fees for the receiver and its deputies, agents, staff and professionals in the amount of \$16,390.80, their expenses in the amount of \$10,253.28, business entity expenses in the amount of \$5,593.00, and expenses related to the estate’s real property in the amount of \$19,397.81. *Id.* This also includes fees to Lynch Law Practice, PLLC in the amount of \$24,659.10 and its expenses in the amount of \$680.67. *Id.* The cumulative total for the expense period is \$76,974.66. *Id.*

The motion sets forth the receiver’s services and activities during the expense period, as well as the law supporting an award of the requested fees. Further, Local Rule 7-2(d) provides

1 that “the failure of an opposing party to file points and authorities in response to any motion shall
2 constitute a consent to the granting of the motion.” LR 7-2(d). The court will therefore grant the
3 instant unopposed motion.

4 The receiver also requests that the court modify its obligation to file quarterly reports. The
5 receiver contends that bi-annual report would be sufficient “given the history, facts, and status of
6 the case.” (ECF No. 483 at 6). The ordering of receiver reports, and the frequency of those reports,
7 is within the court’s discretion. *See SEC v. Hardy*, 803 F.2d 1034, 1037 (9th Cir. 1986). At this
8 point, only two real properties remain under the receiver’s control, as the rest have been sold.
9 Because the role of the receiver has declined since 2015, when the court ordered reports be filed
10 on a quarterly basis, the court will grant the receiver’s request to submit reports on a bi-annual
11 basis going forward.

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

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

19 Accordingly,

20 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the receiver’s motion for
21 an order approving and authorizing payment of receiver’s and professionals’ fees (ECF No. 483)
22 be, and the same hereby is, GRANTED.

23 IT IS FURTHER ORDERED that the receiver’s motion for an order authorizing the
24 receiver to file bi-annual reports and fee applications instead of quarterly reports and fee
25 applications (ECF No. 483) be, and the same hereby is, GRANTED.

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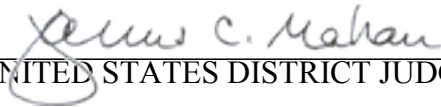
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IT IS FURTHER ORDERED that the receiver's motion for an order finding notice to creditors to be sufficient under Local Rule 66-5 (ECF No. 483) be, and the same hereby is, GRANTED.

DATED May 3, 2018.


UNITED STATES DISTRICT JUDGE