

1 JAMES E. GIBBONS (*pro hac vice*)
Cal. State Bar No. 130631
2 **MANNING & KASS**
ELLROD, RAMIREZ, TRESTER LLP
3 801 South Figueroa Street, 15th Floor
Los Angeles, CA 90017
4 Tel. (213) 624-6900
jeg@manningllp.com

5 ROBERT W. COHEN (*pro hac vice*)
6 Cal. State Bar No. 150310
7 MARIKO TAENAKA (*pro hac vice*)
Cal. State Bar No. 273895
8 **LAW OFFICES OF ROBERT W. COHEN, A.P.C.**
1901 Avenue of the Stars, Suite 1900
9 Los Angeles, CA 90067
Tel. (310) 282-7586
10 rwc@robertwcohenlaw.com
mt@robertwcohenlaw.com

11 *Attorneys for Plaintiffs*

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 SHIGE TAKIGUCHI, FUMI NONAKA,
15 MITSUAKI TAKITA, TATSURO SAKAI,
16 SHIZUKO ISHIMORI, YUKO NAKAMURA,
MASAAKI MORIYA, HATSUNE HATANO, and
17 HIDENAO TAKAMA, Individually and On Behalf
of All Others Similarity Situated,

18 Plaintiff,

19 v.

20 MRI INTERNATIONAL, INC., EDWIN J.
21 FUJINAGA, JUNZO SUZUKI, PAUL MUSASHI
SUZUKI, LVT, INC., dba STERLING ESCROW,
22 and DOES 1-500,

23 Defendants.

Case No.: 2:13-cv-01183-HDM-VCF
[Hon. Howard D. McKibben]

**DECLARATION OF ROBERT W.
COHEN IN SUPPORT OF MOTION
FOR PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT
WITH MRI INTERNATIONAL,
INC. AND EDWIN FUJINAGA**

1 I, Robert W. Cohen, declare:

2 1. I am the owner of the Law Offices of Robert W. Cohen, and am one of the attorneys for
3 Plaintiffs in this action. I have personal knowledge of the facts set forth herein and could competently
4 testify to them is called as a witness.

5 2. Since the filing of this lawsuit on July 5, 2013, I have led this litigation with the other
6 members of my firm and with my co-lead counsel, James Gibbons of Manning, Kass, Ellrod Trester &
7 Ramirez, LLP. I have been involved in all aspects of discovery, motion briefing, class certification
8 briefing, and settlement negotiations.

9 3. The record in this case is well developed, including substantial briefing and argument on
10 Defendants' six motions to dismiss, briefing and argument on various motions to compel, completion of
11 extensive fact discovery, and briefing on three motions for summary adjudication. The parties conducted
12 very thorough and extensive discovery during the almost four years of litigation. Plaintiffs served
13 multiple sets of written discovery on Defendants and served over 20 third-party subpoenas, which
14 resulted in nearly one-million pages of documents. Plaintiff took the deposition of the President of
15 Sterling Escrow, Mr. Peter Munoz twice, and deposed five other individuals employed by or related to
16 MRI. Defendants took the deposition of eight out of the nine named plaintiffs. Defendants also
17 propounded written discovery, for which Plaintiffs answered and produced tens of thousands of
18 documents. The discovery process has been thorough and have required the parties to engage in
19 numerous meet and confers, and has also resulted in several motions to compel discovery.

20 4. At this advanced stage of litigation, Plaintiffs have a thorough understanding of the factual
21 and legal issues involved in this case as well as the strengths and weaknesses of Plaintiff's claims and
22 collectability of any judgment. Plaintiffs are well aware of the risks posed to each side by continuing to
23 litigate.

24 5. After almost four years of litigation, Plaintiffs reached a settlement with MRI and
25 Fujinaga in June 2017. The parties have exchanged multiple drafts of the Settlement Agreement and
26 related documents before the parties came to a final agreement on July 31, 2019.

27 6. The settlement reached with MRI and Fujinaga is the result of hard fought, arm's-length
28 negotiations. At all times during the negotiation process, counsel for Plaintiffs and counsel for MRI and

1 Fujinaga bargained vigorously on behalf of their clients.

2 7. Although there will be no actual monetary contribution by MRI and Fujinaga, I believe
3 that the MRI and Fujinaga settlement is fair, adequate and reasonable, and in the best interest of the
4 Class. As set forth in the motion and in the Settlement Agreement, it is the understanding and belief of
5 all of the parties that any assets owned by MRI or Fujinaga is already in the custody and control of the
6 Court-appointed receiver in the parallel enforcement action by the Securities and Exchange Commission,
7 and those assets will eventually be distributed to Plaintiffs and the Class. This settlement, however,
8 provides the Plaintiffs with a Stipulated Judgment, which will protect Plaintiffs' interests by affording
9 them with the opportunity to collect on the judgment, if it is later found that MRI and Fujinaga had
10 undisclosed assets.

11 8. Attached as Exhibit A is a true and correct copy of the Settlement Agreement between
12 Plaintiffs and MRI and Fujinaga.

13 I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true
14 and correct. This declaration was executed in Los Angeles, California on July 31, 2019.

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17 /s/ Robert W. Cohen
18 Robert W. Cohen
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CERTIFICATE OF SERVICE

1 I hereby certify that on August 2, 2019, a copy of the foregoing document was filed electronically
2 via the Court's CM/ECF system. Pursuant to Local Rule 5.5(h), notice of filing will be served on all
3 parties by operation of the Court's CM/ECF system, and parties may access this filing through the
4 Court's CM/ECF system.
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6 /s/ Mariko Taenaka
7 Mariko Taenaka
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