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9 LA JOLLA BANK

10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 LA JOLLA BANK, FSB, a Federally
13 Chartered Savings Bank,

14 Plaintiff,

15 v.

16 DANNY TARKANIAN, an individual;
17 AMY M. TARKANIAN, an individual;
18 JERRY TARKANIAN, an individual;
19 LOIS TARKANIAN, an individual;
20 GEORGE TARKANIAN, an individual;
21 ZAFRIR DIAMANT, an individual;
22 JOSEPHINE DIAMANT, an individual;
23 DOUGLAS R. JOHNSON, an individual;
24 DEBRA JOHNSON, an individual; and
25 DOES 1 through 100, inclusive,

26 Defendants.

27 **AND RELATED CROSS ACTION.**

Case No.: 10-cv-0980-WQH (KSC)

**NOTICE OF NON-OPPOSITION
TO MOTION TO REGISTER
JUDGMENT IN FOREIGN
DISTRICTS AND FOR CERTIFIED
JUDGMENT**

DATE: October 22, 2012
TIME: 11:00 a.m.
LOCATION: Dept. 4

***NO ORAL ARGUMENT – UNLESS
REQUESTED BY THE COURT***

28 The Federal Deposit Insurance Corporation, as Receiver for La Jolla Bank, FSB
("FDIC-R") hereby advises the Court that its Motion to Register the Judgment in the
Eastern District of California and the District of Nevada and for Certified Copies of
the Judgment can be granted as unopposed.

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1 With an October 22, 2012 hearing date and the October 8th holiday, FDIC-R
2 had Defendants' Opposition calendared as due on October 5th. Defense counsel
3 indicated their understanding that the Opposition was due October 8th, and FDIC-R's
4 counsel responded that no objection would be made if the Opposition was filed by
5 October 8th. (See Ladegaard Declaration.) As of the time of this filing of this Notice,
6 no Opposition has been filed.

7 Local Rule 7.1.e.2 requires a party opposing a motion to file an opposition by
8 the due date. Failure to comply with the briefing schedule or local rules "may
9 constitute a consent to the granting of a motion" under Local Rule 7.1.f.3.c. *Ghazali*
10 *v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *United States v. Warren*, 601 F.2d 471, 474
11 (9th Cir. 1979).

12 In light of Defendants' failure to timely file an opposition to the instant motion
13 or timely request an extension of time, FDIC-R's motion should be granted as
14 unopposed.

15
16 Dated: October 10, 2012 OLIVA & ASSOCIATES, ALC

17
18 By: /s/ Joseph L. Oliva
19 /s/ Thomas E. Ladegaard
20 Joseph L. Oliva, Esq.
21 Thomas E. Ladegaard, Esq.
22 Attorneys for Plaintiff,
23 FEDERAL DEPOSIT INSURANCE
24 CORPORATION as Receiver for LA JOLLA
25 BANK
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DECLARATION OF THOMAS LADEGAARD

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I, THOMAS LADEGAARD, declare as follows:

1. I am an associate attorney at Oliva & Associates, ALC, counsel for FDIC-R in this matter. I am licensed to practice law in California and before the Southern District of California. I have personal knowledge of the facts stated herein and if asked to do so I would and could testify truthfully thereto in a court of law.

2. On October 1, 2012, I received a call from Candace Morlan of the Flangas McMillan office. The purpose of the call was to discuss an extension of the briefing schedule in the Ninth Circuit appeal, on the basis that Mr. Flangas and Mr. Price were tending to family emergencies.

3. During the call I advised Ms. Morlan that my office has Defendants' opposition to the Motion to Register Judgment calendared for October 5, 2012. Ms. Morlan responded that her office has the opposition calendared for October 8, 2012. Given the confusion created by the October 8th Columbus Day holiday, I advised Ms. Morlan that I would not object if Defendants filed their opposition on October 8th. Ms. Morlan stated that no extension would be needed because Mr. Price was returning to the office on Thursday, October 4th.

4. As of the time this Notice of Non-Opposition is filed, Defendants have not filed any opposition to the instant motion.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 10th day of October 2012, at San Diego, California.

/s/ Thomas E. Ladegaard

CERTIFICATE OF SERVICE

La Jolla Bank, FSB v. Danny Tarkanian, et al.
U.S.D.C. of California, Southern District, Case No. 10-cv-0980-WQH (KSC)

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action; my business address is 11770 Bernardo Plaza Court, Suite 350, San Diego, California, 92128.

On October 10, 2012, I caused the following document(s) described as:

NOTICE OF NON-OPPOSITION TO MOTION TO REGISTER JUDGMENT IN FOREIGN DISTRICTS AND FOR CERTIFIED JUDGMENT

to be served on the interested parties in this action as follows:

Gus W. Flangas
Kim D. Price
FLANGAS McMILLAN LAW GROUP
3275 S. Jones Boulevard, Suite 105
Las Vegas, NV 89146
T: 702-307-9500
F: 702-382-9452
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KDP@flangasmcmillan.com

Attorneys for Defendants,
Counterclaimants and Third Party Plaintiffs

Douglas R. Johnson
Debra Johnson
929 Calville Estates Court
Henderson, NV 89015

In Pro Per
BY U.S. MAIL ONLY
(Not Registered CM/ECF Users)

[X] BY CM/ECF: I caused such document(s) to be served electronically pursuant to the U.S. District Court's Electronic Case Filing Program to be delivered electronically to those parties who have registered to become an E-Filer.


[] BY U.S. MAIL: I caused such envelope to be deposited in the mail at San Diego, California. The envelope was mailed with postage thereon fully prepaid. I am readily familiar with this firm's practice of collection and processing of correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at San Diego, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[] BY ELECTRONIC SERVICE: Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic notification addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

1 BY OVERNIGHT DELIVERY: The documents were placed in sealed, addressed
2 packaging for overnight delivery on this date in the ordinary course of business, with all
3 charges to be paid by my employer, to be deposited in a facility regularly maintained by the
4 overnight delivery carrier, or delivered to a courier or driver authorized by the overnight
5 delivery carrier to receive such packages to the person(s) at the address(es) set forth below.

6 I declare under penalty of perjury under the laws of the United States of America that
7 the foregoing is true and correct and that I am employed in the office of a member of the bar
8 of this Court at whose direction the service was made.

9 Executed on October 10, 2012, at San Diego, California.

10 
11 _____
12 Kris O'Connor