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Attorney for Plaintiffs

MARC J. RANDAZZA, JENNIFER RANDAZZA, and NATALIA RANDAZZA

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MARC J. RANDAZZA, an individual,)	Case No. 2:12-cv-02040-GMN-PAL
JENNIFER RANDAZZA, an individual, and)	
NATALIA RANDAZZA, a minor,)	NOTICE OF DEFENDANT CRYSTAL
)	COX'S NON-OPPOSITION TO
Plaintiffs,)	PLAINTIFFS' MOTION TO STRIKE
)	DEFENDANT CRYSTAL COX'S
vs.)	AMENDED ANSWER PURSUANT TO
)	FEDERAL RULES OF CIVIL
CRYSTAL COX, an individual, and ELIOT)	PROCEDURE 12(f) AND MOTION FOR
BERNSTEIN, an individual,)	DEFAULT (ECF 101)
)	
Defendants.)	

Plaintiffs Marc J. Randazza, Jennifer Randazza, and Natalia Randazza, through counsel, hereby submit this Notice with respect to their pending Motion to Strike Defendant Crystal Cox's Amended Answer Pursuant to Federal Rules of Civil Procedure 12(f) and Motion for Default, filed on March 11, 2013 (ECF 101).

It is well established that a party's failure to timely oppose a motion constitutes the non-moving party's consent to granting of the motion. *U.S. v. Warren*, 601 F.2d 471, 474 (9th Cir. 1979). At present, Cox has not filed a memorandum of law and points of authority in opposition to Plaintiffs' Motion to Strike Defendant Crystal Cox's Amended Answer Pursuant to Federal Rules of Civil Procedure 12(f) and Motion for Default. Under Local Rule 7-2(d), this failure to oppose

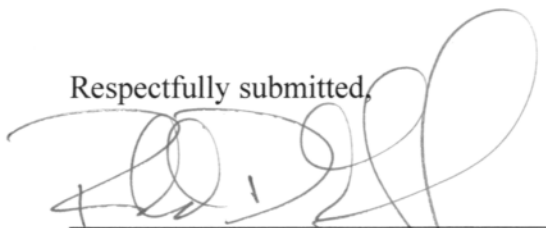
1 Plaintiffs' motion constitutes Defendant's concession to the pending Motion's desired relief. Cox
2 has been served electronically, as was Cox's request. (ECF 9)

3 Local Rule 7-2(b) allows 14 days for the filing of responsive briefing. Plaintiffs filed their
4 Motion on March 11, 2013. Cox's response would have been due Monday, March 25, 2013. At the
5 time of this filing, Cox has filed no opposition to this matter. In light of the fact that Cox has
6 promptly responded to all of Plaintiffs' other motions well before the 14-day deadline allowed, Cox
7 does not seem to want to dispute the Motion. Even if Cox were to file today, Plaintiffs would
8 suffer prejudice due to the delay; adding one more tight deadline to Plaintiffs' counsel's extremely
9 packed litigation schedule would cause Plaintiffs undue hardship.

10 For the foregoing reasons, Plaintiffs respectfully request that this Court grant their
11 unopposed motion and strike Defendant Cox's Amended Answer and enter default against her for
12 failing to timely respond to Complaint, or, in the alternative, grant Plaintiffs' pending Motion for
13 Summary Judgment.

14
15 Dated: April 1, 2013

Respectfully submitted,



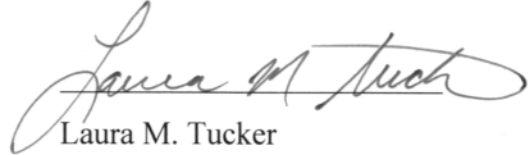
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1 **CERTIFICATE OF SERVICE**

2
3 Pursuant to the Federal Rules of Civil Procedure 5(b), I hereby certify that the foregoing
4 document was filed using this Court's CM/ECF system on April 1, 2013.

5 Dated: April 1, 2013

Respectfully Submitted,

6
7 

8 Laura M. Tucker

9 Law Clerk

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10 Randazza Legal Group

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