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(*pro hac* pursuant to LR IC 2-1)
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6 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

7
8 **SECURITIES AND EXCHANGE**
COMMISSION,
9 **Plaintiff,**
10 **v.**
11 **EDWIN YOSHIHIRO FUJINAGA, et al.,**
Defendants,
12 **and**
13 **JUNE FUJINAGA,**
14 **CSA SERVICE CENTER, LLC,**
15 **THE FACTORING CO., and**
THE YUNJU TRUST,
16 **Relief Defendants.**

Case No.: 2:13-cv-1658-JCM-CWH

THE SECURITIES AND
EXCHANGE COMMISSION’S
MOTION FOR AN ORDER
APPROVING DISTRIBUTION
PLAN WITH ACCOMPANYING
MEMORANDUM OF LAW

17 This action was brought by the Securities and Exchange Commission (the “SEC”) against
18 defendants Edwin Yoshihiro Fujinaga and MRI International for a fraudulent offering that
19 victimized thousands of investors of more than \$800 million. By Order entered October 5, 2022,
20 this Court terminated the receivership estate previously established (the “Receivership”) and,
21 pursuant to that Order, the Receiver has transferred over \$32 million to the SEC (the
22 “Distribution Fund”) in partial satisfaction of final judgments imposed in this action.

23 The SEC now moves this Court for an Order approving its proposed plan to distribute the
24 Distribution Fund to harmed investors (the “Plan”). The Plan is attached as Exhibit 1 to the
25

1 (Proposed) Order. By the Plan, the SEC seeks to distribute the Distribution Fund by the same
2 methodology already determined fair and reasonable by the Court in the related class action,
3 *Shige Takiguchi, et al. v. MRI International, Inc., et al.*, 2:13-cv-01183-GMN-VCF (D. Nev.)
4 (the “Class Action”). To save time and costs, there will be no claims process; rather, distribution
5 will be conducted using the claims information submitted in the Class Action claims process as
6 supplemented by the Court-approved Distribution Agent.

7 Upon translation to Japanese, anticipated within six business days of filing, the SEC will
8 send via Federal Express a copy of the motion, memorandum and proposed order (Japanese
9 translation) to Hiroshi Yamaguchi in the Toyo Kyodo Law Office in Tokyo, Japan, who has
10 identified himself to the SEC as “Lead Attorney for Lawyers Group Representing 4,961 Victims
11 in Japan.” These documents will also be publicly available on the SEC’s webpage for this
12 matter: [https://www.sec.gov/enforcement/information-for-harmed-investors/mri-international-](https://www.sec.gov/enforcement/information-for-harmed-investors/mri-international-fujinaga)
13 [fujinaga](https://www.sec.gov/enforcement/information-for-harmed-investors/mri-international-fujinaga).

14 WHEREFORE, the SEC respectfully requests that the Court enter an Order substantially
15 in the form submitted with this Motion and grant such other relief as the Court deems just and
16 proper.

17 **MEMORANDUM IN SUPPORT OF**
18 **PROPOSED DISTRIBUTION PLAN**

19 **I. Introduction**

20 The SEC respectfully submits this memorandum in support of its plan to distribute the
21 Distribution Fund, currently comprised of over \$32 million received from the Receivership plus
22 accrued interest, to compensate MRI International, Inc. (“MRI”) investors for losses suffered as a
23 result of a fraudulent offering (the “Plan”). The Plan is attached as Exhibit 1 to the
24 accompanying (Proposed) Order. As discussed below, because of the overlap between the

1 allegations in the captioned action and the allegations in the related class action, *Shige Takiguchi,*
2 *et al. v. MRI International, Inc., et al.*, 2:13-cv-01183-GMN-VCF (D. Nev.) (the “Class Action”)
3 and the anticipated economies of time and cost, the Plan substantively tracks the plan of
4 allocation found fair and reasonable by this Court (McKibben, J.) in the Class Action.¹

5 As reflected on the accompanying certificate of service, upon translation to Japanese,
6 anticipated within six business days of filing, the SEC will send via Federal Express a copy of
7 the motion, memorandum and proposed order (Japanese translation) to Hiroshi Yamaguchi in the
8 Toyo Kyodo Law Office in Tokyo, Japan, who has identified himself to the SEC as “Lead
9 Attorney for Lawyers Group Representing 4,961 Victims in Japan.” These documents will also
10 be publicly available on the SEC’s webpage for this matter:

11 <https://www.sec.gov/enforcement/information-for-harmed-investors/mri-international-fujinaga>.

12 **II. Background**

13 **A. This Action**

14 On September 11, 2013, the SEC commenced this action (the “SEC Action”) against
15 defendants Edwin Yoshihiro Fujinaga (“Fujinaga”) and MRI International (“MRI”) (collectively,
16 the “Defendants”), and relief defendants CSA Service Center, LLC (“CSA”), The Factoring
17 Company (“TFC”), Fujinaga’s wife, June Fujinaga (“J. Fujinaga”), and The Yunju Trust (the
18 “Trust”). ECF No. 2. In its amended complaint, the SEC alleged that the Defendants perpetrated
19 a Ponzi scheme that victimized thousands of investors. ECF No. 118 at ¶¶ 1, 6. The SEC alleged
20 that, as part of the scheme, the Defendants misrepresented to investors that MRI would use
21 investors’ money to buy medical accounts receivables (“MARS”) from medical providers at a

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23 ¹ Class Action Docket (“C.A. Dkt”) No. 867, ¶ 2 (“The Court finds that the pro-rata distribution
24 method proposed by the Plaintiff is fundamentally fair, adequate and reasonable and grants
approval of the plan”).

1 discount and seek to recover the full receivable from insurance companies. *Id.* at ¶ 5. In fact, the
2 Defendants used investor money to pay the principal and interest due to earlier investors,
3 operating expenses of MRI and related entities, and for personal expenses. *Id.* at ¶¶ 7, 22. The
4 SEC alleged that MRI stopped buying MARS from independent healthcare facilities in 2008;
5 that as early as 2008, MRI was insolvent and as of December 2008, MRI had a retained earnings
6 deficit; that, from 2008 through 2013, the Defendants sent false quarterly account statements to
7 existing investors; and that by 2011, MRI was in default on the payments that it was obligated to
8 pay investors. *Id.* at ¶¶ 7, 22, 26-30. The SEC further alleged that, on April 26, 2013, based on
9 the same misconduct alleged in the SEC Action, the Japanese Securities and Exchange
10 Surveillance Commission recommended administrative action against MRI. *Id.* at ¶ 32.

11 On January 27, 2015, the Court entered final judgment against the Defendants, ordering
12 them, jointly and severally, to pay disgorgement and prejudgment interest of \$544,359,364.08,
13 and each to pay a civil penalty of \$20,000,000, for a total monetary judgment of
14 \$584,359,364.08. ECF No. 189. On May 15, 2015, the Court appointed Robb Evans &
15 Associates LLC as the full equitable receiver (the “Receiver”) for all assets owned or controlled
16 by the Defendants and relief defendants CSA and TFC (the “Estate”). ECF No. 226. On March
17 14, 2016, the Court entered an amended final judgment against J. Fujinaga and the Trust,
18 ordering them to disgorge, jointly and severally, \$2,333,382.18 to the Receiver, and requiring J.
19 Fujinaga to disgorge to the Receiver all of her legal, beneficial, and equitable interest in the
20 Trust. ECF No. 317.

21 **B. The Receivership and the Distribution Fund**

22 The Receiver collected approximately \$36 million and incurred expenses of
23 approximately \$4 million. *See* ECF No. 584, Exhibit A. By Order dated October 5, 2022, the
24

1 Court terminated the Receivership and directed the Receiver to set the balance of the Estate's
2 assets to the SEC in partial satisfaction of the final judgments entered against the Defendants and
3 Relief Defendants in this action. ECF No. 590. In accordance with that Order, the Receiver sent
4 over \$32 million to the SEC. The Distribution Fund of over \$33.8 million currently is held in an
5 interest-bearing account at the U.S. Treasury. All accrued interest will be added to, and become
6 a part of, the Distribution Fund.

7 **C. The Class Action**

8 The misconduct underlying the SEC Action is the same as that underlying the Class
9 Action. By complaint filed on July 5, 2013, the plaintiffs in the Class Action ("C.A. Plaintiffs")
10 alleged that MRI and others operated a Ponzi scheme in which MRI purported to operate a
11 legitimate business dealing in MARS when, in fact, MRI used investor money to pay off earlier
12 investors and fund its principals' lavish lifestyle. C.A. Dkt. No. 6 (amended complaint), ¶¶ 1, 2.
13 Like the SEC, the C.A. Plaintiffs reference the Japanese administrative proceedings and findings,
14 noting that, even after Japan's Financial Services Agency revoked MRI's license in Japan, MRI
15 continued to solicit investments from new investors to keep its scheme alive. *Id.* ¶ 32. In their
16 Fifth Amended Complaint filed on July 24, 2014, the C.A. Plaintiffs additionally reference the
17 SEC Action, and mention the discovery in the SEC action as supportive of allegations in the
18 Class Action. C.A. Dkt. No. 118, ¶¶ 80, 85-90.

19 By Order dated June 13, 2017, the Court appointed Heffler Claims Group ("HCG") as the
20 claims administrator for the Class Action distribution.² C.A. Dkt. No. 704. On October 25,

21 _____
22 ² In July 2019, HCG was indirectly acquired by Duff & Phelps, LLC (n/k/a Kroll, LLC). Upon
23 acquisition, HCG's name was changed to Claims Acquisition, LLC, and it was later further
24 changed to Kroll Settlement Administration LLC. HCG has informed the SEC staff that this
change in ownership had no impact upon its engagement in the Class Action and will have no
impact on the engagement in this matter.

1 2018, the Court in the Class Action approved the Class Action notice process and plan of
2 allocation (the “Class Action Plan”).³ The Class Action Plan proposed to distribute collections
3 to:

4 All persons who were MRI investors and who were injured as a result of the
5 defendant’s illegal Ponzi scheme and actions from July 5, 2008 through July 5,
6 2013, [excluding] the defendants, their employees, their family members and their
affiliates, and ... 26 individuals who are plaintiffs in the pending litigation against
the [class] defendants in Japan.⁴

7 C.A. Dkt. No. 864, p. 4. Under the approved notice process, HCG would solicit claims from
8 investors through solicitations sent to potential claimants through both direct mailings and
9 publication. C.A. Dkt No 863.

10 The Class Action Plan set forth a net investment methodology, offsetting from each
11 investor’s aggregate investment their recoveries to calculate their net loss, determining the
12 percent of their net loss to aggregate net losses, and multiplying that percent by the assets
13 available for distribution. The Court presiding over the Class Action found the *pro-rata*
14 distribution method proposed in the Class Action Plan to be “fundamentally fair, adequate and
15 reasonable,” and approved the Class Action Plan. C.A. Dkt. No. 867, ¶ 2.

16 Beginning on June 23, 2022, after completing the claims process, HCG disbursed
17 \$8,602,523.19 to 6,131 harmed investors, compensating them for 1.06% of their harm.

18 **D. The Distribution Agent and the Tax Administrator**

19 Because of the overlap between the Class Action and the SEC Action and anticipated cost
20 savings in using the same claims information in both actions, the SEC moved, and on March 18,
21 2019, this Court ordered, HCG’s appointment in this SEC action as the Distribution Agent. ECF

22 _____
23 ³ See Class Action Dkt. (“C.A. Dkt.”) Nos. 863, 867.

24 ⁴ In addition to the specified exclusions, approximately 30 individuals opted out of the Class
Action.

1 No. 509 (the “Appointment Order”). The Court further appointed HCG’s then-affiliate, Heffler,
2 Radetich & Saitta LLP (“HRS”), a certified public accounting firm, as the Tax Administrator for
3 the Distribution Fund.⁵ *Id.*

4 **E. The Plan**

5 Like the Class Action Plan, the goal of the Plan is to compensate those investors harmed
6 by the Defendants’ fraud and to do so, proposes the use of the net investment methodology set
7 forth in the already approved Class Action Plan. Moreover, the Plan addresses the same period
8 of harm and will largely include the same investor pool.⁶ Because of the similarities, the
9 Distribution Agent, with the permission of Class Action counsel, will use information obtained,
10 and work performed, in the Class Action, thereby reducing the costs and, upon the approval of a
11 distribution plan, the time for the completion of the distribution in the SEC Action.

12 **III. The Plan is Fair and Reasonable and Should be Approved.**

13 The Court should approve the Plan because, like the Class Action Plan, it fairly and
14 reasonably allocates the Distribution Fund among the harmed investors.⁷

15 A district court has broad discretion in approving a plan of distribution. *SEC v. Murray*,
16 Civ. Act. No. 12-CV-01288-EMC, 2018 U.S. Dist. LEXIS 127221, *2 (N.D. Cal. Jul. 30, 2018),
17 *citing SEC v. Wang*, 944 F.2d 80, 85 (2d Cir. 1991). *Cf. SEC v. Aequitas Management, LLC*, 16-

18
19 ⁵ At the time of the Appointment Order, HCG and HRS were affiliates. HRS, while no longer
20 affiliated with HCG, will continue as the Tax Administrator. HRS has informed the SEC staff
21 that this change in affiliation will have no impact upon the tax administration in this matter.

22 ⁶ Those investors who opted out of the Class Action Plan, including the plaintiffs in the pending
23 litigation against the defendants in Japan whose litigation has not resulted in any collections, will
24 be given the opportunity to participate in the SEC’s distribution, as will investors who filed
25 untimely claims in the Class but whose claim can be timely evaluated in connection with the
SEC’s distribution.

⁷ *See C.A. Dkt. No. 867, ¶ 2* (McKibben, J.), finding the pro-rata distribution method proposed
by the plaintiff class to be fair, adequate, and reasonable, and approving the plan.

1 cv-00438, 2020 U.S. Dist. LEXIS 57325, *11-12 (D. Or. Mar. 31, 2020) (internal citations
 2 excluded) (a court has extremely broad power when determining the appropriate action to be
 3 taken in receivership administration, especially where a federal agency seeks enforcement in the
 4 public interest). The district court’s determination is reviewed for abuse of discretion. *See*
 5 *Official Comm. Of Unsecured Creditors of WorldCom*, 467 F.3d 73, 84 (2d Cir. 2006); *Cf. CFTC*
 6 *v. Topworth International, Ltd.*, 205 F.3d 1107, 1115 (9th Cir. 1999) (supervision of an equitable
 7 receivership is reviewed for an abuse of discretion); *CFTC v. Inc21.com Corp.*, 475 Fed. Appx.
 8 106, 108 (9th Cir. Mar. 30, 2012) (reviewing a district court’s order directing a *pro rata*
 9 distribution for abuse of discretion). The job of the district court is to ensure that the plan of
 10 distribution is fair and reasonable. *Murray*, 2018 U.S. Dist. LEXIS 127221 at *2-*3; *WorldCom*,
 11 467 F.3d 73, 83-85 (2d Cir. 2006) (because the SEC is fulfilling a statutory role in determining
 12 how to distribute recovered funds to investors, it is entitled to the deference of a “fair and
 13 reasonable” standard—that the plan fairly and reasonably distributes limited funds among the
 14 potential claimants). *See also, Aequitas*, 220 U.S. Dist. LEXIS 67325, *12 (in the context of a
 15 receivership); *SEC v. Bivona*, 16-cv-01386-EMC, 2017 U.S. Dist. LEXIS 148575, *17 (N.D.
 16 Cal. September 13, 2017), *citing SEC v. Wang*, 944 F.2d 80, 85 (2d Cir. 1991) (in reviewing a
 17 plan proposed by the SEC and the Receiver, the Court must “satisf[y] itself that the distribution
 18 of proceeds . . . is fair and reasonable”); *SEC v. Copeland*, 11-cv-8607-R, 2014 U.S. Dist. LEXIS
 19 195315, *5 (C.D. Cal. May 19, 2014), *aff’d*, 645 F.3d. Appx. 596 (9th Cir. 2016) (same).

20 Under the Plan, the Relevant Period is the same as approved in the Class Action – July 5,
 21 2008 through July 5, 2013, inclusive.⁸ Persons who invested or reinvested in MRI during that
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23
 24 ⁸ Plan ¶19.r.

1 period are potentially eligible for a distribution from the Distribution Fund.⁹ The coincidence of
2 the time period in the SEC Action and the Class Action will enable the Distribution Agent to use
3 the claim information from the Class Action rather than conduct a new, costly, and time
4 consuming claims process. Moreover, the front-end limitation in 2008 coincides with MRI's
5 alleged financial difficulties (insolvency and retained earnings deficits), as well as the time
6 during which MRI provided false quarterly account statements to investors. The end of the
7 Relevant Period is the date of the filing of the Class Action and the consequent U.S. publication
8 of the MRI fraud. *See SEC v. AR Capital, LLC*, 19 Civ. 6603 (AT), 2021 WL 1988084, *5
9 (S.D.N.Y. May 18, 2021) (finding the SEC's use of the fraud announcement date as the cutoff
10 date in a distribution plan fair and reasonable).

11 Persons¹⁰ identified by the Distribution Agent through its access to the Class Action
12 claims process, who may have suffered losses on investments in MRI made or reinvested during
13 the Relevant Period, including those who filed untimely claims in the Class Action and Opt-Out
14 Investors, are potentially eligible for a distribution under the Plan ("Preliminary Claimants").¹¹
15 Eligible Claimants are Preliminary Claimants who are determined to have suffered a Recognized
16 Loss under the Plan's methodology, and who respond to attempts by the Distribution Agent to
17 obtain any necessary information.¹²

18 The Plan excludes those arguably responsible for the harm suffered: the defendants in
19 the SEC Action and in the Class Action, their family members, affiliates, and their legal
20

21 ⁹ Plan ¶19.n.

22 ¹⁰ All capitalized terms used in this memorandum but not defined are used as defined in the
Plan.

23 ¹¹ *See* note 6, above. Plan ¶¶ 19.i, k., n.

24 ¹² Plan, ¶¶ 19.d, t.

1 representatives, heirs, successors-in-interest, and assigns.¹³ See *SEC v. Bivona*, 16-cv-01386-
2 EMC, 2017 U.S. Dist. LEXIS 148575, **41-44 (N.D. Cal. 2017) (district courts have discretion
3 to exclude from a distribution plan active wrongdoers, persons whose unlawful activity resulted
4 in investor harm, and claims of persons who received, or would receive, a profit from the fraud).
5 See also *SEC v. McGinn, Smith & Co.*, 10-cv-457, 2020 U.S. Dist. LEXIS 118746, *6-8 (Jul. 7,
6 2020); *SEC v. McGinn, Smith & Co.*, 10-cv-457, 2019 U.S. Dist. LEXIS 35678, *5-8 (N.D.N.Y.
7 Mar. 6, 2019) (and the cases cited therein) (district courts have discretion to exclude claimants
8 involved in the underlying fraudulent scheme).

9 Moreover, to maximize the recovery to investors who respond to the SEC's Notice,
10 investors who failed to negotiate payments in the Class Action distribution or to whom the
11 Claims Administrator could not make payment, will be excluded from the SEC's distribution
12 unless they provide updated contact information prior to distribution calculations under the
13 Plan.¹⁴ Finally, the employees of the Distribution Agent are excluded to avoid any conflicts of
14 interest, as well as entities that seek to capitalize on the distribution through the exclusion of any
15 entity that seeks to recover by purchasing for value a Potentially Eligible Investor's eligibility for
16 a Distribution Payment.¹⁵

17 Because there are insufficient funds to make all harmed investors whole, the SEC is using
18 the net investment methodology¹⁶ -- that determined to be fair and reasonable in the Class Action
19 Plan¹⁷ -- which will treat all victims equally based on the amount of their net loss. See *Topworth*,

21 ¹³ Plan, ¶19.e.(1).

22 ¹⁴ Plan, ¶19.e.(2).

23 ¹⁵ Plan, ¶19.e.(3), (4).

24 ¹⁶ Plan, Exhibit A (Plan of Allocation, Allocation of Funds).

25 ¹⁷ C.A. Dkt No. 867

1 205 F.3d at 1116 (finding the district court’s approval of a distribution plan using the net
 2 investment methodology to be within the Court’s broad discretion); (supervision of an equitable
 3 receivership is reviewed for an abuse of discretion); *Murray*, 12-cv-01288-EMC, 2018 U.S. Dist.
 4 LEXIS 127221, *3 (N.D. Cal. July 30, 2018); *SEC v. Capital Cove Bancorp, LLC*, SACV15-
 5 00980 –JLS, 2015 U.S. Dist. LEXIS 174854, *7 (C.D. Cal. Aug. 25, 2015) (authorizing
 6 receiver’s use of net investment method). Using the same methodology as that used in the Class
 7 Action Plan is also efficient – the same calculation algorithm will apply in both cases. Under the
 8 methodology, the Distribution Agent will first calculate each harmed investor’s loss as the
 9 difference between their Investment(s) and their Recovery(ies). For those with a loss greater
 10 than zero, the Distribution Agent will then calculate their *pro rata* percent of the Distribution
 11 Fund less administrative costs (“Net Distribution Fund”) by multiplying their Recognized Loss
 12 by the Net Distribution Fund and dividing that by the aggregate losses of all harmed investors.¹⁸
 13 No investor will receive a Distribution Payment less than \$20 – the Minimum Distribution
 14 Amount.¹⁹ After issuing payments, the Distribution Agent will undertake outreach efforts to
 15 maximize the number and value of checks cashed and payments received.²⁰

16 With respect to the method of payment, the Plan permits payment by check, electronic
 17 payments, or other payment method upon the approval of the SEC staff.²¹ The Distribution
 18 Agent has determined, based on its experience in issuing payments in the Class Action, that wire
 19 payments are the best method by which to distribute funds to the common pool of harmed
 20 investors, and that method of payment will be favored if the harmed investor, upon solicitation

21 _____
 22 ¹⁸ Plan, Exhibit A (Plan of Allocation, Allocation of Funds, *Pro Rata* Percent).

23 ¹⁹ Plan, Exhibit A (Plan of Allocation, Minimum Distribution Amount)

24 ²⁰ See Plan ¶¶ 52-55.

25 ²¹ Plan, ¶ 48.

1 by the Distribution Agent, timely provides the information necessary to make such payments or
 2 confirms the information previously submitted. The Distribution Agent, in consultation with the
 3 SEC staff, may provide harmed investors with electronic payment alternatives if the harmed
 4 investor so chooses and this can be done without jeopardizing the safety of the Distribution
 5 Fund. Checks will be used as a final alternative, if the Distribution Agent has the harmed
 6 investor's address but no additional payment information.

7 Additional distributions may occur if additional funds are received and/or if otherwise
 8 feasible.²² Upon completion of the final distribution, the SEC staff will file a motion with this
 9 Court to approve the final accounting, including a recommendation as to the final disposition of
 10 the Residual, consistent with Sections 21(d)(3), (5), and (7)²³ of the Exchange Act and *Liu v.*
 11 *SEC*, 140 S. Ct. 1936 (2020).²⁴ If distribution of the Residual to investors is infeasible, the SEC
 12 staff may recommend that the monies be transferred to the general fund of the U.S. Treasury
 13 subject to Section 21F(g)(3) of the Exchange Act.²⁵ In moving this Court to approve the final
 14 accounting, the SEC staff will also seek from the Court, as appropriate, an Order that discharges
 15 the Distribution Agent and terminates the Fair Fund.²⁶

16
 17 ²² Plan, ¶ 58.

18 ²³ 15 U.S.C. § § 78u(d)(3), (5), and (7). Section 21(d)(7) was added to the Exchange Act by
 19 Section 6501(a) of the National Defense Authorization Act for Fiscal Year 2021, Pub. L. No.
 116-283, enacted January 1, 2021. The relevant provisions of the NDAA apply “to any action or
 20 proceeding that is pending on, or commenced on or after, the date of” the NDAA’s enactment.
 NDAA, Section 6501(b).

21 ²⁴ Plan, ¶ 61.

22 ²⁵ *Id.* Section 21F(g)(3) of the Exchange Act, 15 U.S.C. § 78u-6(g)(3), provides, in relevant
 23 part, that any monetary sanction of \$200 million or less collected by the SEC in any judicial
 action brought by the SEC under the securities laws that is not added to a disgorgement fund or
 Distribution Fund or otherwise distributed to victims, plus investment income, shall be deposited
 or credited into the SEC Investor Protection Fund.

24 ²⁶ Plan, ¶ 68.

1 **CERTIFICATE OF SERVICE**

2 I, Catherine E. Pappas, hereby certify that on July 12, 2023 caused a true copy of this
3 document and accompanying papers to be served upon the defendant by filing the same via the
4 CM/ECF system.

5 A full copy of these papers, and the proposed order, upon translation to Japanese,
6 anticipated within six business days, will be sent to Hiroshi Yamaguchi in the Toyo Kyodo Law
7 Office in Tokyo, Japan as follows:

8 **Federal Express International**

9 Hiroshi Yamaguchi
10 Tokyo Kyodo Law Office
11 5th Floor, SAWADA Building
12 SHINJUKU 1-15-9
13 SHINJUKU KU
14 Tokyo

(self-described “Lead Attorney for Lawyers Group Representing 4,961 Victims in
Japan”)

15 /s/ Catherine E. Pappas
16 Catherine E. Pappas
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