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## IN THE UNITED STATES DISTRICT COURT

## FOR THE NORTHERN DISTRICT OF CALIFORNIA

RONALD MAZZAFERRO,

Plaintiff,

No. C 16-05641 WHA

v.

WILLIAM PARISI, KEN JOHNSON,  
SPENCER CRUM, BRUCE GOLDSTEIN,  
JOSHUA MYERS, and LYNN SEARLE,

Defendants.

**ORDER GRANTING MOTION  
FOR FINAL JUDGMENT  
PURSUANT TO FRCP 54(b)  
AND VACATING HEARING****INTRODUCTION**

Defendant Lynne Searle, who was dismissed from this action, moves for final judgment pursuant to FRCP 54(b). For the reasons below, the motion is **GRANTED**.

**STATEMENT**

A second amended complaint alleged that defendant Lynne Searle, a private attorney, engaged in a criminal enterprise to help William Parisi embezzle millions of dollars from a trust allegedly established for *pro se* plaintiff Ronald Mazzaferro. Specifically, Mazzaferro alleged that Attorney Searle supplied fraudulent information about Mazzaferro to the Sonoma County Police Department, which led to his arrest. Based on these allegations, Mazzaferro brought a claim under Section 1983 (Dkt. No. 62). A May 11 order dismissed all claims against Attorney Searle with prejudice on the grounds that she is a private individual not subject to Section 1983, and that any amendment of the complaint would be futile (Dkt. No. 80). The action, however, was not dismissed in its entirety, and there are claims pending against other defendants.

Attorney Searle now moves for entry of final judgment pursuant to FRCP 54(b). This order follows full briefing.

1 ANALYSIS

2 FRCP 54(b) provides that when an action presents more than one claim for relief “the  
3 court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties  
4 only if the court expressly determines that there is no just reason for delay.” In deciding  
5 whether to enter final judgment, the district court should consider “whether the claims under  
6 review were separable from the others remaining to be adjudicated and whether the nature of  
7 the claims already determined was such that no appellate court would have to decide the same  
8 issues more than once even if there were subsequent appeals.” *Curtiss-Wright Corp. v. Gen.  
9 Elec. Co.*, 446 U.S. 1, 8 (1980).

10 Here, there is no just reason to delay judgment in favor of Attorney Searle. The claims  
11 against her are legally distinct, and severable from claims against other defendants. She is the  
12 only private individual in this action who stood accused of Section 1983 violations, and it was  
13 on this basis that the claims against her were dismissed.

14 Moreover, Mazzaferro is a serial plaintiff who has been labeled as a “vexatious litigant”  
15 by the Judicial Council of California (Dkt. No. 90-1 at 11) and has filed numerous suits against  
16 Attorney Searle (*see* Dkt. No. 90-1 at 5–9). Therefore, Attorney Searle stands to justly benefit  
17 from any preclusive effect that entry of final judgment in this suit may have on other litigations.

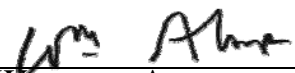
18 Mazzaferro’s opposition to this motion offers no relevant authority or argument for why  
19 judgment should not be entered.

20 CONCLUSION

21 There is no just reason to delay judgment in favor of Attorney Searle. Accordingly, her  
22 motion for judgment pursuant to FRCP 54(b) is **GRANTED**. The hearing scheduled for August 3  
23 is hereby **VACATED**.

24  
25 **IT IS SO ORDERED.**

26 Dated: July 24, 2017.

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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE