

*Ropers Majeski Kohn & Bentley
A Professional Corporation
San Francisco*

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

JOHN FALKENSTEIN, an individual,

Plaintiff,

v.

SHIPCO TRANSPORT, INC. a New Jersey corporation,

Defendants.

CASE NO. 2:13-cv-08052-BRO-JC

FINAL JUDGMENT IN FAVOR OF DEFENDANT SHIPCO TRANSPORT, INC.

Judge: Hon. Beverly Reid O’Connell
Ctrm.: 14

Action Filed: August 2, 2013
Trial Date: December 15, 2015

FINAL JUDGMENT

On April 16, 2013, Plaintiff, John Falkenstein filed a complaint in this action in the San Francisco Superior Court (S.F. Superior Ct. Case No. CGC-13-530670) which was removed to the Northern District Court of California on August 2, 2013 (N.D. Cal. Case No. 13-cv-03605) and then transferred to this Court on October 24, 2013, and assigned the above Action number in this District. (Dkt. Nos. 16-17.) On July 23, 2013, Plaintiff filed a First Amended Complaint in the above-entitled action to which Defendant responded. On February 24, 2015, plaintiff John


1 Falkenstein filed a Second Amended Complaint herein, which is the operative
2 complaint in this action, alleging causes of action against defendant Shipco
3 Transport, Inc. for Fraudulent Conveyance under California Civil Code Sections
4 3439.05 and 3439.04, and for Resulting Trust. (Dkt. No. 93; hereafter, the
5 “Complaint.”) On August 17, 2015, Defendant, Shipco Transport, Inc. filed its
6 Motion for Summary Judgment. (Dkt. No. 232.) After briefing by both parties, on
7 October 13, 2015, the Motion for Summary Judgment by defendant Shipco
8 Transport, Inc. came on for hearing before this Court, the Honorable Beverly Reid
9 O’Connell presiding. After considering the papers submitted in support of and in
10 opposition to the Motion for Summary Judgment, as well as the oral arguments of
11 counsel presented at the hearing, and the issues having been duly heard, this Court
12 GRANTED the Motion for Summary Judgment in its entirety. (Dkt. No. 293.)

13 Now therefore, IT IS ORDERED, ADJUDGED, AND DECREED that:

- 14 1. Judgment is hereby entered in favor of defendant, Shipco Transport,
15 Inc., and against plaintiff, John Falkenstein, in the action entitled *Falkenstein v.*
16 *Shipco Transport, Inc.*, U.S.D.C. Central District of California Case No. 2:13-cv-
17 08052-BRO-JC;
- 18 2. Plaintiff, John Falkenstein shall take nothing in this Action.
- 19 3. Defendant Shipco Transport, Inc. is the prevailing party; and
- 20 4. Defendant Shipco Transport, Inc. shall be allowed costs under Federal
21 Rule of Civil Procedure 54 and 28 U.S.C. Section 1920, *et seq.*

22 IT IS SO ORDERED.

23 DATED: October 26, 2015

24 
25 HON. BEVERLY REID O’CONNELL
26 United States District Judge
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