

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JS-6

CIVIL MINUTES—GENERAL**Case No. CV 17-6709-MWF (GJSx)****Date: February 9, 2021**

Title: April Kittel v. City of Oxnard, et al.

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Present: The Honorable MICHAEL W. FITZGERALD, U.S. District JudgeDeputy Clerk:

Rita Sanchez

Court Reporter:

Not Reported

Attorneys Present for Plaintiff:

None Present

Attorneys Present for Defendant:

None Present

**Proceedings (In Chambers):** ORDER ENTERING FINAL JUDGMENT IN  
LIGHT OF NINTH CIRCUIT MANDATE

On January 15, 2021, the Ninth Circuit issued an unpublished memorandum affirming the Court's grant of summary judgment in favor of the two remaining defendants in this action, Defendants Blayne Liparoto and Advantage Physical Therapy. (*See* Docket No. 155); (*id.* at 2 n.1) (explaining that Plaintiff filed the appeal prematurely before final judgment had issued and while the claims against the City of Oxnard and Sylvia Paniagua were still pending, but treating the Court's grant of summary judgment in favor of Defendants Blayne Liparoto and Advantage Physical Therapy as the functional equivalent to a final judgment because all other claims had since settled). The Ninth Circuit also affirmed the Court's denial of Plaintiff's request for leave to file a third amended complaint, and the Court's decision not to award attorneys' fees and costs. (*See id.*).

On February 8, 2021, the Ninth Circuit issued its formal mandate. (Docket No. 156). In light of the Ninth Circuit's mandate and memorandum, no claims remain in this action. Accordingly, the Court enters final judgment in favor of Defendants Blayne Liparoto and Advantage Physical Therapy, and against Plaintiff.

This Order shall constitute notice of entry of judgment pursuant to Federal Rule of Civil Procedure 58. Pursuant to Local Rule 58-6, the Court **ORDERS** the Clerk to treat this order, and its entry on the docket, as an entry of judgment.

IT IS SO ORDERED.