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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SHEILA MUNGUIA, et al.,
Plaintiffs,

CASE NO. 1:11-cv-01134-LJO-SKO

Consolidated with case no. 1:11-cv-01675-LJO-SKO

v.

BEKINS VAN LINES, LLC, et al.,
Defendants

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS THAT
PLAINTIFFS WILLIAM WRIGHT
AND JOANNE WRIGHT'S MOTION
FOR CHOICE OF LAW BE
GRANTED AS TO THE ISSUE OF
COMPARATIVE FAULT**

(Docket Nos. 30, 37)

WILLIAM WRIGHT, et al.
Plaintiffs,

v.

BEKINS VAN LINES, LLC, et al.
Defendants.

On October 19, 2012, the Magistrate Judge issued Findings and Recommendations that Plaintiffs William Wright and Joanne Wright's (the "Wrights") Motion for Choice of Law (Doc. 30) be GRANTED as to the issue of comparative fault. These Findings and Recommendations were served on all parties appearing in the action and contained notice that any objections were to be filed

1 within 21 days after service of the order. (Doc. 37.) Defendants Bekins Van Lines, LLC and Myron
2 Bojszuk ("Defendants") filed objections on November 9, 2012. (Doc. 38.)

3 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted a
4 *de novo* review of the case. Having carefully reviewed the entire file, the Court concludes that the
5 Magistrate Judge's Findings and Recommendations are supported by the record and proper analysis.

6 As the Magistrate Judge's Findings and Recommendations set forth, the granting of the
7 Wrights' choice of law motion is limited to the issue of comparative fault only. (Doc. 37, 4:2-22.)
8 Defendants object that the Findings and Recommendations were premature and procedurally
9 defective because the Wrights' motion was not brought by the party seeking to invoke the foreign
10 law but was instead brought by parties seeking to clarify which state's law was controlling.

11 The Findings and Recommendations considered this contention and determined that, based
12 on representations made by the parties prior to the scheduling conference as well as in the briefs
13 concerning the motion, there was a "dispute as to which state's law governs the issue of comparative
14 fault in this case, the resolution of which may assist in the parties litigating this action." (Doc. 37,
15 4:20-21.) Defendants neither object to the substantive finding by the Magistrate Judge, identify any
16 incorrect analysis nor contend that the decision was improperly reached. (*See* Doc. 38.) Instead,
17 Defendants essentially object to the timing of decision. This Court finds, however, that early
18 resolution of legal matters can often be helpful in assisting the parties to define the scope of their
19 litigation; as such, the issue of choice of law as to comparative fault was appropriately decided at this
20 time. As noted above, the Findings and Recommendations are limited to the issue of comparative
21 fault.

22 This decision is applicable to all Plaintiffs in this action, including Plaintiffs Sheila Munguia
23 and Jordan Harness, who filed a Joinder in the Wrights' Choice of Law Motion. (Doc. 33.)

24 Accordingly, IT IS HEREBY ORDERED that:

- 25 1. The Findings and Recommendations issued October 19, 2012, are ADOPTED IN
26 FULL;
- 27 2. The Wrights' motion to establish California law as applicable is GRANTED as to the
28 issue of comparative fault only and is applicable to all Plaintiffs in this action; and

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3. The Declaration of Roger A. Dreyer and supporting exhibits (Doc. 32) is
STRICKEN.

IT IS SO ORDERED.

Dated: November 13, 2012

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE