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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LYNN T. CECIL and SUZIE CECIL,
trustees of the CECIL FAMILY
REVOCAVBLE TRUST; RICK CECIL,
and LYNETTE CECIL,

Plaintiffs,

v.

ROCKY MOUNTAIN RAILWAY AND
MINING MUSEUM, a Colorado non-
profit corporation, and YREKA
WESTERN RAILROAD, a California
corporation,

Defendant.

No. 2:07-cv-00419-MCE-CKD

MEMORANDUM AND ORDER

Defendants have filed a Motion for Relief from Judgment pursuant to Federal Rule of Civil Procedure ("Rule") 60(b)(5). ECF No. 68. The gravamen of their argument is the contention that the judgment has been paid in full. The Court agrees that the judgment has been satisfied, and therefore Defendants' Motion is GRANTED.¹

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¹ Because oral argument would not have been of material assistance, the Court ordered this matter submitted on the briefing. E.D. Cal. L. R. 230(g).

1 **BACKGROUND²**

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3 Judgment in this case was entered on June 13, 2008, in the amount of
4 \$146,447.38. Plaintiffs were then also awarded \$24,660.50 in attorney’s fees. The
5 judgment was then assigned by Plaintiffs to John C. Nixon and Lisa L. Nixon, Trustees
6 of the John and Lisa Nixon Family Trust. Defendant Yreka Western Railroad then
7 agreed with Railroad Service & Supply Co., Inc. (“RS&S”) that Yreka would provide the
8 full amount for RS&S to purchase the judgment from the Nixon Trust. On August 11,
9 2009, a Yreka affiliate transferred the full amount of the judgment, including interest as
10 of that date, totaling \$264,422.68 to RS&S. The Nixon Trust accordingly assigned the
11 judgment to RS&S.

12 In May 2016, RS&S filed an enforcement action in the U.S. District Court for the
13 District of Colorado against Defendants, seeking to collect on the judgment. That court
14 stayed its proceedings pending a resolution of this Motion.

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16 **ANALYSIS**

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18 Under Rule 60(b)(5), relief from final judgment can be granted because “the
19 judgment has been satisfied, released or discharged.” A motion for such relief must be
20 brought “within a reasonable time.” Fed. R. Civ. P. 60(c)(1). Reasonable time “depends
21 upon the facts of each case, taking into consideration the interest in finality, the reason
22 for delay, the practical ability of the litigant to learn earlier of the grounds relied upon,
23 and prejudice to other parties.” Ashford v. Steuart, 657 F.2d 1053, 1055 (9th Cir. 1981)
24 (per curiam).

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28 ² Because the relevant facts are not in dispute, the facts in this section are drawn from both parties’ moving papers, sometimes verbatim. ECF Nos. 65, 71–72.

1 RS&S makes two arguments in opposition to Defendants' Motion: (1) the motion
2 is untimely, and (2) the judgment was not satisfied, but merely transferred. The Court
3 addresses each in turn.

4 **A. Timeliness of the Motion**

5 RS&S argues that Defendants' motion is untimely primarily because they "ha[d]
6 knowledge of the purported grounds for the motion since at least August of 2009," but
7 "have asserted no reason whatsoever for the delay of over seven years in bringing the
8 instant motion." Opp'n to Mot. for Relief from J., ECF No. 71, at 3. It claims that
9 "controlling Ninth Circuit authority," namely Ashford v. Steuart, requires this Court to find
10 the Motion untimely. However, neither Ashford nor the other cases cited by RS&S are
11 directly on point. In Ashford, the Ninth Circuit did not consider a Rule 60(b)(5) motion,
12 but rather a Rule 60(b)(1) motion premised on judicial mistake. 657 F.2d at 1055. The
13 Ninth Circuit gave "great weight" to the interest in finality because the time for appeal
14 had passed and no reason had been given for failing to timely appeal the decision. Id.
15 Here, finality is not betrayed by entertaining Defendants' Motion. Instead, Defendants
16 are seeking a final determination that their obligation under the judgment has been
17 fulfilled.

18 Nor is Mikels v. Estep, Case No. 12-cv-00056-EMC, 2016 WL 1056067 (N.D. Cal.
19 Mar. 17, 2016), appeal filed, No. 16-15602 (9th Cir. Apr. 6, 2016), directly on point. At
20 issue in that case was the applicability of a change in the law to relieving the plaintiff
21 from the judgment. Id. at *3. Again, finality was given the most weight and was best
22 served by not revisiting the disposition of the case a year after the change in the law
23 occurred, and over two years after judgment had been entered. Accordingly, RS&S has
24 not demonstrated that "controlling Ninth Circuit authority" precludes Defendants' motion.
25 Instead, the Court looks to the specific details of this case to determine whether the
26 delay was reasonable.

27 Defendants here did not unreasonably delay in bringing their Rule 60(b)(5)
28 Motion, but instead brought it just a few months after they discovered their need of it.

1 Defendants declare that they were unaware that no Satisfaction of Judgment was filed
2 until it obtained notice of RS&S's Colorado enforcement action in June 2016.
3 Defendants obtained a stay in that case in September 2016 and filed the instant motion
4 the following month.

5 Nor has RS&S established any prejudice would result from granting Defendants'
6 motion. While RS&S claims to have "incurred many thousands of dollars of attorneys'
7 fees and costs seeking to enforce the judgment since 2009," Opp'n to Mot. for Relief
8 from J., at 3, it provides no support for this claim. RS&S received the full amount of the
9 judgment on August 11, 2009, and the only evidence of RS&S incurring legal fees or
10 costs is the filing of their suit in Colorado, which was stayed, and their opposition to the
11 instant motion.

12 **B. Whether the Judgment Has Been Satisfied**

13 Since Defendants' motion is timely, the Court must next determine whether the
14 judgment has been satisfied and the requested relief should be granted. RS&S claims
15 that the judgment was not satisfied because "there was never any agreement for [the
16 Yreka affiliate] to pay off the judgment, but instead the agreement was that [the Yreka
17 affiliate] would purchase the judgment and pay a brokerage fee." Opp'n to Mot. for
18 Relief from J., at 4. RS&S would have this Court rely on a technical distinction between
19 satisfying and purchasing the judgment to deny Defendants' motion, providing no
20 substantive reasons for why it should be able to collect the judgment. Indeed, it urges
21 the Court to embrace the fundamental unfairness created by doing so and force the
22 Yreka affiliate "to recoup [its] payments or otherwise seek redress against RS&S[]" for
23 they payment it made to RS&S. Opp'n to Mot. for Relief from J., at 17. The distinction
24 advocated by RS&S is one without a difference. RS&S received the full value of the
25 judgment, and therefore the judgment is satisfied.

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CONCLUSION

For the reasons above, Defendants' Motion for Relief from Judgment, ECF No. 68, is GRANTED.

IT IS SO ORDERED.

Dated: January 5, 2017


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE