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8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA

10 BANK OF STOCKTON,
 11 Plaintiff,
 12 vs.
 13 VERIZON COMMUNICATIONS INC.,
 14 Defendant.
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CASE NO. 2:08-CV-02257-JAM-GGH

**ORDER GRANTING DEFENDANT'S
 MOTION FOR
 SUMMARY JUDGMENT AND ENTERING
 FINAL JUDGMENT**

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1 On March 25, 2009, Defendant Verizon Communications Inc.'s Motion for Summary
2 Judgment, or in the Alternative, To Dismiss Certain Claims and To Stay Others came on for
3 hearing in the above-captioned Court, the Honorable John A. Mendez presiding. The Court,
4 having considered the papers and arguments submitted in support of and in opposition to the
5 motion, hereby GRANTS the motion for summary judgment as to all claims alleged in the
6 Complaint, for the reasons stated by the Court on the record at the hearing. The Court finds that
7 Plaintiff has failed to carry its burden under Federal Rule of Civil Procedure 56 and *Celotex Corp.*
8 *v. Catrett*, 477 U.S. 317 (1986), of submitting admissible evidence creating a genuine issue of
9 material fact as to the existence of actual damages, an essential element of all the claims alleged
10 in the Complaint. Final judgment for Defendant is hereby ENTERED.

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12 IT IS SO ORDERED:

13 Dated: 4/6/2009

/s/ John A. Mendez
The Honorable John A. Mendez
United States District Court Judge

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16 Submitted by:

17 MUNGER, TOLLES & OLSON LLP

18 By: /s/ James C. Rutten
19 James C. Rutten

20 Attorneys for Defendant Verizon
21 Communications Inc.

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23 Approved as to form by:

24 LAW OFFICES OF WILLIAM W. PALMER

25 By: /s/ William W. Palmer
26 William W. Palmer

27 Attorneys for Plaintiff Bank of
28 Stockton