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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MATTHEW BONZANI,

Plaintiff,

v.

ROBERT A. McDONALD, Secretary of
Veterans Affairs; and SCOTT HUNDAHL,
M.D.,

Defendants.

No. 2:11-cv-07-EFB

ORDER

This case proceeded to trial on plaintiff Matthew Bonzani's claims under the Family Medical Leave Act ("FMLA") against defendants Robert A. McDonald, the Secretary of Veterans Affairs (the "Secretary"), and Dr. Scott Hundahl, and plaintiff's claim under Section 501 of the Rehabilitation Act against the Secretary.¹ The FMLA claim against the Secretary was tried to the court. Pursuant to a stipulation of the parties, the question of whether Hundahl was an "employer" under the FMLA was also tried to the court, but the other elements of that claim against Dr. Hundahl were tried to the jury. The Rehabilitation Act claim against the Secretary was also tried to the jury.

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¹ The action was reassigned to the undersigned based on the consent of the parties. *See* ECF No. 18; *see also* E.D. Cal. L.R. 305; 28 U.S.C. § 636(c).

1 The jury returned a verdict in favor of the Secretary on plaintiff's Rehabilitation Act
2 claim, but plaintiff prevailed on his FMLA claim against both defendants. Defendants timely
3 appealed this court's judgment to the United States Court of Appeals for the Ninth Circuit.
4 Through the Ninth Circuit Mediation Program, the parties reached a mutually agreeable
5 settlement that is conditioned on vacatur of this court's judgment against defendant Hundahl.

6 This case is now before the court on the parties' joint motion to partially vacate the
7 judgment pursuant to Federal Rule of Civil Procedure 60 insofar as it imposes liability against
8 defendant Hundahl. ECF No. 218.² For the reasons stated in the parties' joint brief, their motion
9 is granted. Upon balance, the court finds that the conservation of judicial and private resources,
10 as well as the parties' desire to obtain through a settlement a final resolution of their dispute,
11 outweighs the minimal harm to the public interests. Accordingly, the court grants the parties'
12 motion for partial vacatur of the judgment.

13 Accordingly, it is hereby ORDERED that:

- 14 1. The January 25, 2017 hearing on the parties' motion is vacated.
- 15 2. The parties' requests to appear telephonically at the hearing (ECF Nos. 221, 222) are
16 denied as moot.
- 17 3. The parties' joint motion to partially vacate judgment (ECF No. 218) is granted.
- 18 4. The August 13, 2015 Order and Findings of Fact and Conclusions of Law is amended
19 as to not impose liability against defendant Scott Hundahl.
- 20 5. The August 13, 2015 judgment is vacated as to defendant Scott Hundahl.

21 DATED: January 24, 2017.

22 
23 EDMUND F. BRENNAN
24 UNITED STATES MAGISTRATE JUDGE

25
26
27 ² The court has determined that oral argument would not materially assist in the
28 resolution of the motion, and the hearing noticed for January 25, 2017, is hereby vacated. *See*
E.D. Cal. 230(g).