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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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PAUL LEHR and COLLEEN LEHR,

Plaintiffs,

v.

FRANK M. PERRI; PERRI ELECTRIC,
INC., a California Corporation;
PERRI ELECTRIC INC. PROFIT
SHARING PLAN; PERRI ELECTRIC
INC. PROFIT SHARING TRUST FUND;
and DOES 1-50,

Defendants.

No. 2:17-cv-1188 WBS AC

ORDER

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For the reasons stated at the hearing on July 22, 2019,
the court finds that entry of final judgment under Federal Rule
of Civil Procedure 54(b) is inappropriate given the court's
interest in a timely resolution of this matter. See Curtiss-
Wright Corp. v. Gen. Elec. Co., 446 U.S. 1, 8 (1980) (stating
that "a district court must take into account judicial
administrative interests as well as the equities involved"). The

1 court further finds that an interlocutory appeal of this court's
2 order on summary judgment (Docket No. 56) would not materially
3 advance the ultimate termination of this litigation nor would it
4 avoid protracted and expensive litigation. See 28 U.S.C. §
5 1292(b); U.S. Rubber Co. v. Wright, 359 F.2d 784, 785 (9th Cir.
6 1966).

7 Accordingly, plaintiffs' Motion for Entry of Final
8 Judgment, Or, In the Alternative, Motion for Certification of an
9 Interlocutory Appeal (Docket No. 72) is DENIED.

10 Before August 5, 2019, plaintiffs shall (1) request and
11 receive an entry of default from the Clerk of Court as to
12 defendants Perri Electric Inc. Profit Sharing Plan and Perri
13 Electric Inc. Profit Sharing Trust Fund and move for default
14 judgment as to these defendants **OR** (2) enter into a stipulation
15 with an attorney representing Perri Electric Inc. Profit Sharing
16 Plan and Perri Electric Inc. Profit Sharing Trust Fund that
17 resolves plaintiffs' claims against those defendants.

18 This matter is set for further status conference on
19 August 5, 2019 at 1:30 p.m. in Courtroom 5.

20 IT IS SO ORDERED.

21 Dated: July 22, 2019



22 **WILLIAM B. SHUBB**
23 **UNITED STATES DISTRICT JUDGE**
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