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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MICHAEL HELLMAN, et al.,	)	Case No. 2:21-cv-00949-JAMDMC
	)	
Plaintiffs,	)	<b>ORDER DENYING PLAINTIFFS'</b>
	)	<b>MOTION FOR RECONSIDERATION</b>
v.	)	
	)	
POLARIS INDUSTRIES, INC.,	)	
et al.,	)	
	)	
Defendants.	)	
	)	
	)	

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Plaintiffs Michael Hellman, et al. ("Plaintiffs") seek reconsideration of this Court's Order (ECF No. 36 "MTD Order"), dismissing with prejudice Plaintiffs' claims for equitable restitution under the CLRA, FAL and UCL. (ECF No. 38-1.) Plaintiffs contend that the dismissal should have been without prejudice, because the Court's ruling was that it lacked jurisdiction and was not a ruling on the merits. (ECF No. 38-1 at 1.) Defendants Polaris Industries, Inc., et al. ("Defendants") oppose Plaintiffs' motion for reconsideration (ECF No. 46). Defendants argue that this Court correctly dismissed Plaintiffs' equitable restitution claims with prejudice because Plaintiffs

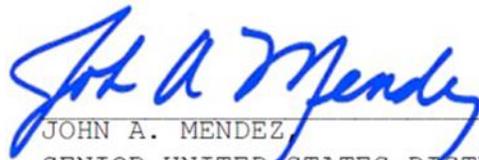
1 failed to show they lacked an adequate legal remedy as required  
2 under Sonner v. Premier Nutrition Corp., 971 F.3d 834, 840 (9th  
3 Cir. 2020) and other precedent (ECF No. 46 at 1).

4 The Court agrees with Defendants. The MTD Order on the  
5 equitable restitution claims was a ruling on the merits.  
6 Plaintiffs' failure to address Defendants' arguments concerning  
7 these claims in their opposition to Defendants' motion to dismiss  
8 was found to be a concession of Defendants' arguments with respect  
9 to these claims. The MTD Order does not state that the Court  
10 believed it lacked jurisdiction over these claims, and Plaintiffs'  
11 interpretation of the Court's ruling is incorrect and without  
12 support. As Defendants correctly argue, this Court granted  
13 judgment against Plaintiffs on these equitable claims because they  
14 failed to satisfy the equitable relief requirements and this  
15 judgment was on the merits and with prejudice. (ECF No. 46 at 5-6.)  
16 The Court did not err in dismissing Plaintiffs' equitable  
17 restitution claims with prejudice and much less commit the "clear  
18 error" that Plaintiffs must demonstrate to prevail on their motion  
19 herein.

20 Plaintiffs' motion for reconsideration is DENIED.

21 IT IS SO ORDERED.

22 DATED: July 28, 2022

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26 JOHN A. MENDEZ  
27 SENIOR UNITED STATES DISTRICT JUDGE  
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