

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re CHIRON CORP SECURITIES No C 04-4293 VRW
LITIGATION

ORDER

_____ /

On November 19, 2008, class counsel submitted a proposed "Final Order and Judgment," Doc #186, which the court declined to enter for failure of the document to comply with FRCP 54(a) and 58(a). On January 28, 2009, class counsel submitted a revised final order and judgment. Doc #196. Unfortunately, this latest submission also fails to comply with FRCP 54(a) and 58(a) and the court declines to enter it.

The court recognizes that Doc #186 follows a format contemplated by the parties' settlement agreement and apparently used previously in connection with securities class litigation.

1 Regrettably, the court did not focus on this document's non-
2 compliance with FRCP 54(a) and 58(a) at the time the settlement was
3 under consideration, so that the form of judgment could then be
4 brought into compliance. Nonetheless, if a judgment is to be
5 entered, it should comply with the form of judgments so that its
6 satisfaction can be determined without resort to prolonged
7 proceedings.

8 To assist the parties in complying with the Federal
9 Rules, the court has drafted and attaches herewith a proposed form
10 of judgment that appears to the court to implement the parties'
11 intended disposition of the action. Counsel are requested to
12 review the attached proposed form of judgment and inform the court
13 whether it meets with their approval. In addition, counsel should
14 prepare a proposed form of order to resolve any outstanding issues
15 that require judicial resolution in order to implement their
16 settlement.

17
18 IT IS SO ORDERED.

19 
20

21 VAUGHN R WALKER
22 United States District Chief Judge
23
24
25
26
27
28