

1 appealable, and therefore must be construed narrowly.” *Robin James v. Price Stern Sloan, Inc.*, 283
2 F.3d 1064, 1067 n.6 (9th Cir. 2002). The purpose of the section is to “facilitate disposition of the action
3 by getting a final decision on a controlling legal issue sooner, rather than later” in order to “save the
4 courts and the litigants unnecessary trouble and expense.” *United States v. Adam Bros. Farming, Inc.*,
5 369 F. Supp. 2d 1180, 1182 (C.D. Cal. 2004).

6 The Court concludes that immediate appeal would not “materially advance the ultimate
7 termination of the litigation.” Even accepting the unlikely proposition that the Court would stay this
8 action pending appeal, NEC is also a defendant in at least eight other cases in this MDL. Given these
9 parallel proceedings, immediate appeal would save NEC little trouble or expense. Nor is it clear to the
10 Court that a ruling in NEC’s favor would necessarily “eliminate” NEC from these lawsuits. *See* Motion
11 at 20. NEC cites to no authority, for example, suggesting that Electrograph would be prohibited from
12 amending its complaint to include any facts it discovers during the pendency of NEC’s appeal.

13 Given that NEC’s motion to dismiss was based upon its contention that Electrograph’s complaint
14 lacked adequate factual support, the Court concludes that interlocutory review is not warranted. Rather,
15 NEC’s arguments are better addressed on summary judgment. Accordingly, NEC’s request for
16 certification of an interlocutory appeal is DENIED.

17
18 **CONCLUSION**

19 For the foregoing reasons and for good cause shown, the Court hereby DENIES NEC’s motion
20 to certify for interlocutory review. Docket No. 49 in 11-3342; Docket No. 4800 in 07-1827.

21
22 **IT IS SO ORDERED.**

23
24 Dated: March 14, 2012

25 
26 _____
27 SUSAN ILLSTON
28 United States District Judge