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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MOSES OLADELE ABIOLA,  
Plaintiff,  
v.  
ESA MANAGEMENT, LLC,  
Defendant.

Case No. 13-cv-03496-JCS

**FINAL JUDGMENT ON PLAINTIFF'S  
FEDERAL CLAIM**

In an order dated December 12, 2014, the Court ruled in Defendant’s favor on summary judgment as to Plaintiff’s claim under the Federal Employee Retirement Income Security Act (“ERISA”), which is Plaintiff’s only claim asserted under federal law. The Court further ordered that the remaining state law claims would be remanded to state court for further adjudication. Under Rule 54(b) of the Federal Rules of Civil Procedure, “the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay.” Because the ERISA claim involves a different theory of recovery than the state law claims, the Court finds that there is no just reason for further delay in entering judgment on the ERISA claim. *See Texaco, Inc. v. Ponsoldt*, 939 F.2d 794, 798 (9th Cir.1991). Therefore, the Court enters final judgment in favor of Defendant as to Plaintiff’s claim under ERISA only.

**IT IS SO ORDERED.**

Dated: December 12, 2014

  
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JOSEPH C. SPERO  
United States Magistrate Judge