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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KM ENTERPRISES, INC., et al.,

Plaintiffs,

v.

GLOBAL TRAFFIC TECHNOLOGIES,
LLC, et al.,

Defendants.

Case No. 14-cv-04906-VC

**ORDER GRANTING MOTION TO
DISMISS WITH PREJUDICE**

Re: Dkt. No. 30

KM Enterprises has sued Global Traffic Technologies ("GTT"), alleging that GTT has violated antitrust laws. But KM Enterprises has already made these same allegations against GTT in a federal lawsuit between the parties in the Minnesota. Even though KM Enterprises labeled its claim in the Minnesota case as tortious interference, it complained of the same behavior by GTT that KM Enterprises now alleges is an antitrust violation. In its opposition papers, KM Enterprises does not dispute this. Nor does it dispute that the district court in Minnesota rendered a final judgment on the merits in GTT's favor. Accordingly, the current lawsuit is barred by *res judicata*, and is therefore dismissed with prejudice. *See, e.g., United States v. Brekke*, 97 F.3d 1043, 1047 (8th Cir. 1996) (holding there is *res judicata* if "(1) the prior judgment was rendered by a court of competent jurisdiction; (2) the decision was a final judgment on the merits; and (3) the same cause of action and the same parties were involved in both cases"); *Hufsmith v. Weaver*, 817 F.2d 455, 461 (8th Cir. 1987) (holding "if a case...is based upon the same factual predicate, as a former action, the two cases are really the same 'claim' or 'cause of action' for purposes of *res judicata*).

IT IS SO ORDERED.

Dated: February 5, 2015



VINCE CHHABRIA
United States District Judge