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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA

6 INTERNMATCH, INC.,

7 Plaintiff,

8 v.

9 NXTBIGTHING, LLC, et al.,

10 Defendants.
11

Case No. 14-cv-05438-JST

**ORDER REGARDING ATTORNEYS'
FEES**

Re: ECF No. 147, 153

12 The Court previously awarded attorneys' fees and costs to Plaintiff after finding that
13 Defendants wilfully spoliated evidence. See ECF No. 114. The Court later granted Plaintiff's
14 application, awarding \$67,377.50 in attorneys' fees and \$1,944.95 in costs. ECF No. 140.

15 Because Defendants appealed the spoliation order, the Court also ordered that the payment of the
16 sum be stayed pending resolution of the appeal. Id. at 3. Plaintiff has notified the Court that the
17 Ninth Circuit dismissed the appeal for lack of jurisdiction and requests that Defendants make
18 payment within ten days. ECF No. 147. Defendants request the Court stay enforcement of the fee
19 award pending resolution of Defendants' appeal of the Court's forthcoming order on Plaintiffs'
20 motion for partial summary judgment. ECF No. 153.

21 The Court construes Plaintiff's request as a motion for partial judgment under Federal Rule
22 of Civil Procedure 54(b). That rule permits a court to "direct entry of a final judgment as to one or
23 more, but fewer than all, claims or parties only if the court expressly determines that there is no
24 just reason for delay." Fed. R. Civ. P. 54(b). "Judgments under Rule 54(b) must be reserved for
25 the unusual case in which the costs and risks of multiplying the number of proceedings and of
26 overcrowding the appellate docket are outbalanced by pressing needs of the litigants for an early
27 and separate judgment as to some claims or parties." Morrison-Knudsen Co., Inc. v. Archer, 655
28 F.2d 962, 965 (9th Cir.1981). Plaintiff has not demonstrated a pressing need for an early and

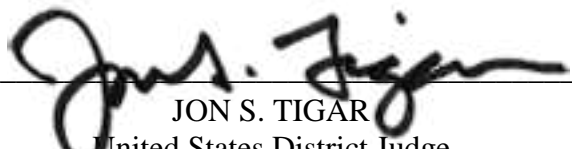
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separate judgment as to the award of attorneys' fees. Furthermore, based on the post-argument discussion between the Court and parties at the hearing conducted on June 9, 2016, it would appear that final judgment in this action will soon be entered.

The request for entry of a separate judgment regarding the award of attorneys' fees is denied. For administrative ease, the Court will set a schedule regarding the payment of fees and costs related to the spoliation in the Court's forthcoming written order granting Plaintiff's motion for partial summary judgment.

IT IS SO ORDERED.

Dated: June 16, 2016



JON S. TIGAR
United States District Judge