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17 Attorneys for Defendant  
 18 BP West Coast Products LLC

19 UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA,  
 20 OAKLAND DIVISION

21 Power Quality & Electrical Systems, Inc., a  
 22 California corporation; Rajinder K. Singh, an  
 23 individual; Tejindar P. Singh, an individual,

Case NO.: 4:16-cv-04791-YGR

**[PROPOSED] JUDGMENT**

24 Plaintiffs/Counterclaim  
 25 Defendants,

Judge: Hon. Yvonne Gonzalez Rogers

v.

26 BP WEST COAST PRODUCTS LLC, a  
 27 Washington limited liability company

28 Defendant/Counterclaim  
 Plaintiff.

1 This matter comes to the Court on Defendant/Counterclaim Plaintiff BP West Coast Products  
2 LLC (“BPWCP”)’s Motion for Summary Judgment. (Dkt. No. 54.) The Court has entered summary  
3 judgment in BPWCP’s favor on all of Plaintiffs/Counterclaim Defendants’ Power Quality and  
4 Electrical Systems, Inc.’s (“PQES”), Tejindar Singh’s, and Rajinder Singh’s (collectively  
5 “Plaintiffs/Counterclaim Defendants”) remaining claims, and dismissed Counts I, II, IV, VI, VII, and  
6 X of BPWCP’s Counterclaims (all brought in the alternative only) as untimely pursuant to the statute  
7 of limitations. (Dkt. No. 71.) The Court has also entered summary judgment in BPWCP’s favor as  
8 to liability on Counts III, V, VII, and IX of its Counterclaims. (Dkt. No. 81.)

9 In response to the Court’s order (Dkt. No. 83), BPWCP filed a submission seeking to  
10 establish the admissibility of its evidence in support of its claimed damages on Counts III, V, VII,  
11 and IX of its Counterclaims. (Dkt. No. 84.) Plaintiffs/Counterclaim Defendants filed a response that  
12 disputed the underlying ruling on the motion for summary judgment but acknowledged that  
13 BPWCP’s evidence of its damages on Counts III, V, VII, and IX of its Counterclaims is admissible  
14 for the purpose of assessing the amount of damages to be included in a final judgment. (Dkt. No.  
15 85).

16 In response, the Court entered an order directing BPWCP to file a form of judgment whereby  
17 the Court may enter its final judgment in the case. (Dkt. No. 86.) Having been so advised and  
18 having reviewed the record including evidence of damages, the Court hereby enters final judgment  
19 in the case as follows:

- 20 1. The Court dismisses all claims in Plaintiffs/Counterclaim Defendants’ Second  
21 Amended Complaint *with prejudice* for the reasons described in the Court’s  
22 previous orders (Dkt. Nos. 36, 71.);
- 23 2. The Court dismisses Counts I, II, IV, VI, VII, and X of BPWCP’s  
24 Counterclaims *with prejudice* for the reasons described in the Court’s previous  
25 order (Dkt. No. 71.);
- 26 3. The Court grants final judgment in BPWCP’s favor and against  
27 Plaintiffs/Counterclaim Defendants Rajinder K. Singh and Tejindar P. Singh  
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1 as to liability on Counts III, V, VII, and IX of its Counterclaims for the  
2 reasons described in its previous order (Dkt. No. 81.);

3 4. The Court grants final judgment in BPWCP's favor and against  
4 Plaintiffs/Counterclaim Defendants Rajinder K. Singh and Tejindar P. Singh  
5 as to damages on Counts III, V, VII, and IX of its Counterclaims in the  
6 amount of \$1,982,774, exclusive of BPWCP's attorneys' fees and costs;


7 5. Having been advised that the parties have met and conferred regarding an  
8 award of attorneys' fees and costs to BPWCP and that they believe they need  
9 additional time to reach an agreement regarding any award of attorneys' fees  
10 and costs, the Court orders the Parties to continue their ongoing meet and  
11 confer regarding attorneys' fees and costs. The parties shall jointly file a  
12 notice with the Court on or before March 9, 2018 identifying whether they  
13 have reached such a stipulation. If the parties have reached a stipulation, they  
14 will prepare for the Court an amended final judgment, which will include the  
15 attorney's fees and costs for the Court to sign. If the parties have not reached  
16 a stipulation as to the amount of attorneys' fees by March 9, 2018, then the  
17 Court orders the following:

- 18 a. The parties shall comply with Local Rule 54-1-54-4 with  
19 respect to any Bill of Costs BPWCP may file;
- 20 b. BPWCP shall file a motion for attorneys' fees and costs by  
21 April 9, 2018;
- 22 c. Plaintiffs/Counterclaim Defendants shall file any  
23 opposition to BPWCP's Motion within 14 days after the  
24 filing of BPWCP's Motion;
- 25 d. BPWCP shall file any reply within 7 days of  
26 Plaintiffs/Counterclaim Defendants' Opposition; and
- 27 e. The Court shall thereafter enter an order addressing  
28 BPWCP's Motion.

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IT IS SO ORDERED.

DATED: February 22, 2018

By:   
Honorable Judge Yvonne Gonzalez Rogers  
United States District Judge

1 DATED: February 19, 2018

Respectfully submitted:

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CORPORATION

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17 By /s/ Daniel R. Garner

18 Attorneys for BP West Coast Products LLC