

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MARK WYATT, et al.) Case No.: 07cv1754 BTM (JMA)
)
Plaintiffs,) **ORDER RE DEFENDANTS’**
) **MOTIONS FOR ENTRY OF**
v.) **JUDGMENT**
)
B.P. AMERICA CORP., et al.)
)
Defendants.)

Defendants 7-Eleven, Inc. and Circle K Stores, Inc. have moved for entry of judgment against Plaintiffs. (Doc. 32). Defendant Chevron USA, Inc. argues that good cause exists for entry of judgment against Plaintiffs, but asks the Court to withhold entry of judgment pending further notice regarding the parties’ settlement efforts. (Doc. 33). Plaintiffs do not oppose the motions. (Doc. 34, 35).

BACKGROUND

Plaintiffs sued multiple California motor fuel retailers and refiners for allegedly selling fuel without disclosing or adjusting for temperature, without disclosing that

1 temperature affects the energy content of the fuel, and overcharging plaintiffs for fuel
2 excise taxes. Plaintiffs claimed Defendants' conduct violated California's Unfair
3 Competition Law (UCL), Consumers Legal Remedy Act (CLRA), breached the
4 implied covenant of good faith and fair dealing, and constituted unjust enrichment. In
5 October 2007, the case was transferred, along with a number of other related actions
6 from other states, to the United States District Court for the District of Kansas ("the
7 MDL Court") for coordinated pre-trial proceedings. (Case No. 07-MD-1840, Doc.
8 No. 192).

9
10
11
12 On July 19, 2013, the MDL Court granted Chevron USA's motion for
13 summary judgment against Plaintiffs. (Case No. 07-MD-1840, Doc. No. 4600). The
14 MDL Court later extended the grant of summary judgment to the remaining non-
15 settling defendants in the California cases, including those in this case: 7-Eleven and
16 Circle K. (Case No. 07-MD-1840, Doc. No. 4601, 4616). The MDL court
17 recommended remand to this Court and entry of judgment in favor of the Defendants.
18 (Case No. 07-MD-1840, Doc. No. 4617).

19
20
21 **ANALYSIS**

22 Fed. R. Civ. P. 54(b) provides that "[w]hen an action presents more than one
23 claim for relief . . . or when multiple parties are involved, the court may direct entry
24 of a final judgment as to one or more, but fewer than all, claims or parties only if the
25 court expressly determines that there is no just reason for delay."
26
27

1 The Ninth Circuit expanded on how this rule is applied in Wood v. GCC Bend,
2 LLC, 422 F.3d 873 (9th Cir. 2005).

3
4 A district court must first determine that it has rendered a
5 final judgment, that is, a judgment that is an ultimate
6 disposition of an individual claim entered in the course of
7 a multiple claims action. Then it must determine whether
8 there is any just reason for delay. It is left to the sound
9 judicial discretion of the district court to determine the
10 appropriate time when each final decision in a multiple
11 claims action is ready for appeal. This discretion is to be
12 exercised in the interest of sound judicial administration.

13 Id. at 878 (internal quotation marks and citations omitted).

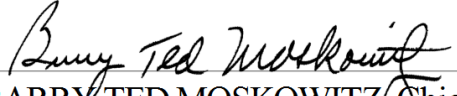
14 In this case, the parties agree that the MDL Court rendered final judgment
15 against Plaintiffs regarding their California claims. Defendants 7-Eleven and Circle K
16 Stores and Plaintiffs have suggested no grounds for delay. Accordingly, this Court
17 GRANTS Defendants 7-Eleven and Circle K Stores' motion for entry of judgment.
18 (Doc. 32).

19 Defendant Chevron USA and Plaintiff agree that good cause exists for an entry
20 of judgment in Defendant's favor, but nonetheless ask the Court to stay judgment
21 pending further notice regarding settlement efforts. Chevron USA explains that their
22 settlement discussions contemplate entry of judgment in this case occurring after the
23 MDL Court grants settlement final approval, which is anticipated to occur in the
24 spring of 2014. The parties have established just reason for delay. Accordingly, the
25 Court GRANTS Chevron USA's motion (Doc. 33) but will stay entry of judgment
26
27
28

1 pending further notice regarding the parties' settlement efforts. A status conference
2 will be held on May 13, 2014 at 10:00 a.m. if such notice has not yet been filed.
3

4
5 IT IS SO ORDERED.

6 Dated: January 16, 2014


BARRY TED MOSKOWITZ, Chief Judge
United States District Court

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28