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7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA
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10 CLAYTON DEL THIBODEAU, Pro Se,
11 Plaintiff,
12 v.
13 ADT SECURITY SERVICES, a/k/a/
14 ADT HOLDINGS, INC.,
15 Defendant.

Case No.: 3:16-cv-02680-GPC-AGS

**ORDER DENYING PLAINTIFF'S
DEMAND FOR FINAL,
APPEALABLE LANGUAGE OF
SUMMARY JUDGEMENT ORDER**

[DKT. NO. 74.]

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17 On February 9, 2018, Plaintiff Clayton Del Thibodeau, proceeding pro se, filed a
18 "Demand for Final, Appealable, Language of Summary Judgement Order Dkt. No. 69."
19 Plaintiff appears to seek a final judgment from this Court, from which he could prepare a
20 timely appeal. Dkt. No. 74.

21 Plaintiff's position is mistaken as there is no basis for a final judgment at this stage
22 of the case. While the Court's Dkt. No. 69 Order granted summary judgment for several
23 claims, the Court also *denied* summary judgment as to Plaintiff's First, Fourth, and
24 Seventh Causes of Action. The Court concluded that "Accordingly, what remains in this
25 case are Plaintiff's First, Fourth, Seventh, and Eighth¹ Causes of Action."

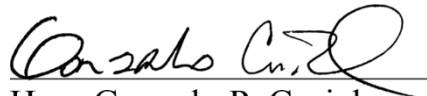
26 _____
27 ¹ Defendant's Motion for Partial Summary Judgment did not seek summary judgment as to Plaintiff's
28 Eighth Cause of Action involving Timely Access to Thibodeau's Employee File.

1 A final judgment is a “decision by the District Court that ends the litigation on the
2 merits and leaves nothing for the court to do but execute the judgment.” *Williamson v.*
3 *UNUM Life Ins. Co*, 160 F.3d 1247, 1249 (9th Cir. 1998) (internal citations omitted).
4 Orders granting partial summary judgment are, absent special circumstances,² not
5 appealable final orders under 28 U.S.C. § 1291 because partial summary judgment orders
6 do not dispose of all claims and do not end litigation on the merits.

7 Here, four causes of action remain in the case. The district court’s grant of partial
8 summary judgment did not end the litigation on the merits. Accordingly, the Court will
9 **DENY** Plaintiff’s request for an order of final judgment. As previously stated, what
10 remains in this case are Plaintiff’s First, Fourth, Seventh, and Eighth³ Causes of Action.

11 **IT IS SO ORDERED.**

12 Dated: February 12, 2018

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14 Hon. Gonzalo P. Curiel
15 United States District Judge
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23 ² The Court concludes that plaintiff has not adequately shown that any special circumstances applies to
24 warrant an immediate appeal. These narrow exceptions include whether (1) the case was a marginally
25 final order, (2) disposed of an unsettled issue of national significance, (3) review implemented the same
26 policy Congress sought to promote in § 1292(b), and (4) the finality issue was not presented to the
27 appellate court until argument on the merits, thereby ensuring that policies of judicial economy would
28 not be served by remanding the case with an important unresolved issue. *Williamson*, 160 F.3d at 1249.

³ Defendant’s Motion for Partial Summary Judgment did not seek summary judgment as to Plaintiff’s
Eighth Cause of Action involving Timely Access to Thibodeau’s Employee File.