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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BRYON STAFFORD, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

RITE AID CORPORATION and RITE
AID HDQTRS. CORP.,

Defendants.

Lead Case No.: 17-CV-1340 TWR (JLB)
(consolidated with No. 18-CV-152 TWR
(JLB))

**ORDER GRANTING PLAINTIFF
BRYON STAFFORD’S UNOPPOSED
EX PARTE APPLICATION FOR
CLARIFICATION OF ORDER
GRANTING IN PART AND
DENYING IN PART DEFENDANTS’
MOTION FOR PARTIAL
JUDGMENT ON THE PLEADINGS**

(ECF Nos. 287, 290)


Presently before the Court is Plaintiff Bryon Stafford’s Unopposed *Ex Parte* Application for Clarification of Order Granting in Part and Denying in Part Defendants’ Motion for Partial Judgment on the Pleadings (“*Ex Parte App.*,” ECF No. 290), in which Plaintiff Stafford requests that the Court clarify that its April 10, 2023 Order Granting in Part and Denying in Part Defendants’ Motion for Partial Judgment on the Pleadings (the “Order,” ECF No. 287) dismissed without prejudice Plaintiff Stafford’s second cause of action for violation of the California Consumers Legal Remedies Act (“CLRA”) “only to

1 the extent the CLRA claim seeks equitable relief such that Plaintiff Stafford would remain
2 entitled to pursue the CLRA claim for damages.” (*See Ex Parte* App. at 1.)

3 As noted in the Order, the Court concluded that “Stafford’s claims for equitable
4 relief [we]re . . . facially deficient and warrant[ed] dismissal.” (*See* Order at 8 (citing
5 *Sonner v. Premier Nutrition Corp.*, 971 F.3d 834, 844 (9th Cir. 2020)).) “Because Stafford
6 fail[ed] plausibly to allege that he lack[ed] an adequate remedy at law, the Court
7 **GRANT[ED]** Defendants’ Motion and **DISMISSE[D]** his claims for equitable relief in
8 their entirety.” (*See id.* at 10 (emphasis in original).) To the extent the Court erroneously
9 “**DISMISSE[D] WITHOUT PREJUDICE** Plaintiff Stafford’s . . . second cause of action
10 for violation of the CLRA” in its entirety in the Conclusion of the Order, (*see id.* at 10–11
11 (emphasis in original)), the Court therefore **GRANTS** the *Ex Parte* Application and
12 clarifies the Conclusion of its Order as follows: The Court **DISMISSES WITHOUT**
13 **PREJUDICE** Plaintiff Stafford’s second cause of action for violation of the CLRA only
14 to the extent that his CLRA claim seeks equitable relief.

15 **IT IS SO ORDERED.**

16 Dated: April 19, 2023

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19 Honorable Todd W. Robinson
20 United States District Judge
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