

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

STATE OF CALIFORNIA, by and through
ATTORNEY GENERAL XAVIER
BECERRA,

No. C 19-02769 WHA

Plaintiff,

v.

**ORDER RE MOTION FOR ENTRY
OF PARTIAL FINAL JUDGMENT
UNDER RULE 54(B)**

ALEX M. AZAR, in his official capacity as
Secretary of the Department of Health and
Human Services; UNITED STATES
DEPARTMENT OF HEALTH AND
HUMAN SERVICES, AND DOES 1-100,

Defendants.

Plaintiff State of California has filed a motion for entry of partial judgment under Rule 54(b) arguing that it is necessary to allow for appeals of the November 2019 ruling. A Rule 54(b) judgment is not warranted here. California was the prevailing party in the November 2019 ruling, meaning defendants are the ones that may seek an appeal, not California. The plaintiffs in the companion cases have already stipulated to judgments that dismiss their remaining claims. Given that California may participate as an amicus in the companion cases on appeal, and given that certain APA claims, constitutional claims, and a FOIA claim remain pending, California has not shown good cause for a Rule 54(b) partial judgment.

1 This case will remain in district court pending the unresolved claims. California may
2 participate as an amicus in the appeals process. The motion is accordingly **DENIED**.

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4 **IT IS SO ORDERED.**

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6 Dated: March 20, 2020.

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WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

United States District Court
Northern District of California