

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Byelick v. Ryvyl Inc.

Byelick · No. 24-cv-01096-GPC-SBC · Decided September 2, 2025

SUMMARY

The United States District Court for the Southern District of California denied J. Drew Byelick’s motion for partial summary judgment against Ryvyl Inc. without prejudice. The court held that the motion was premature because it was filed before meaningful discovery and that the claims involved fact-intensive issues, including whether Ryvyl knowingly concealed material financial information. The court vacated the scheduled hearing and permitted Byelick to file a renewed motion after discovery.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Gonzalo P. Curiel
JURISDICTION	United States District Court for the Southern District of California
DECIDED	September 2, 2025
DOCKET	24-cv-01096-GPC-SBC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for partial summary judgment on his intentional misrepresentation and fraudulent concealment claims before the parties had conducted meaningful discovery.
STANDARD OF REVIEW	Summary judgment is appropriate when the movant shows that there is no genuine dispute as to any material fact and that the movant is entitled to judgment as a matter of law. The court may defer or deny a motion, or allow discovery, when the nonmovant cannot present facts essential to oppose it under Federal Rule of Civil Procedure 56(d).
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order
PARTIES	J. Drew Byelick v. Ryvyl Inc. (f/k/a Greenbox POS)

TOPICS

- summary judgment
- civil procedure
- fraud
- wrongful termination

PRACTICE AREAS

civil procedure

commercial litigation

torts

employment law

QUESTIONS PRESENTED

1. Whether Byelick was entitled to partial summary judgment on his intentional misrepresentation and fraudulent concealment claims before the parties had conducted discovery.
2. Whether the motion should be denied as premature because material factual disputes and fact-intensive issues could not adequately be evaluated on the limited pre-discovery record.

HOLDINGS

1. A summary judgment motion may be denied without prejudice as premature when it is filed before the nonmovant has had a realistic opportunity to conduct discovery concerning fact-intensive issues material to the claims.

KEY QUOTATIONS

“The movant must establish that it is entitled to judgment as a matter of law through its “pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any[.]””
(Discussion)

“For the above reasons, the Court DENIES Byelick’s motion for partial summary judgment without prejudice.” (Conclusion)

FACTUAL BACKGROUND

Byelick worked for Ryvyl from June 2022 to March 2023 and most recently served as the company's chief financial officer after relocating from Texas to San Diego. He alleged that Ryvyl representatives misrepresented or concealed information about the company's financial condition, SEC filings, internal controls, and operations before he accepted employment. After Ryvyl disclosed material misstatements and deficiencies and Byelick allegedly recommended corrective restatements that company leadership refused to undertake, he resigned. The motion was filed before Ryvyl had served written discovery and before the court had entered a discovery schedule.

PROCEDURAL HISTORY

Byelick filed suit against Ryvyl after previously being dismissed with prejudice as a defendant in a separate securities-fraud class action. The district court partially granted Ryvyl's motion to dismiss the amended complaint, leaving claims for intentional misrepresentation, fraudulent concealment, and wrongful constructive discharge in violation of fundamental public policy. Before a joint discovery plan, scheduling order, or written discovery had been completed, Byelick moved for partial summary judgment. The court denied the motion without prejudice as premature and vacated the hearing.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. Byelick may file a new motion for summary judgment after taking discovery.

CASES CITED

- Cullen v. RYVYL Inc., 2024 WL 4536471 (S.D. Cal. Oct. 21, 2024)
- Anthony v. County of San Diego, 2025 WL 1134611, at *1 (S.D. Cal. Apr. 16, 2025)
- Williams v. Yuan Chen, No. S-10-1292-CKD-P, 2011 WL 4354533, at *3 (E.D. Cal. Sept. 16, 2011)
- Burlington N. Santa Fe R.R. Co. v. Assiniboine & Sioux Tribes of Fort Peck Reservation, 323 F.3d 767, 773 (9th Cir. 2003)
- Turner v. County of San Diego, No. 14-CV-2003-JAH (JLB), 2016 WL 6804998, at *6-*8 (S.D. Cal. Oct. 3, 2016)
- Sernoffsky v. Novak, No. 23-cv-0039-MMA-MSB, 2023 WL 8439561, at *3 (S.D. Cal. Dec. 4, 2023)