

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Christian v. Betak

No. 24-cv-01867-TSH (N.D. Cal. June 20, 2025) · No. 24-cv-01867-TSH · Decided June 20, 2025

SUMMARY

The United States District Court for the Northern District of California denied Defendant George M. Betak’s motion for attorney’s fees after Plaintiff Donald J. Christian voluntarily dismissed his claims without prejudice. The court held that no judgment existed for purposes of Federal Rule of Civil Procedure 54 and, alternatively, declined to award fees under California Penal Code section 502(e)(2) because the claim was not shown to be frivolous or abusive.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                               |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Northern District of California                                                                                                                                                                                          |
| WRITING FOR THE COURT | Thomas S. Hixson                                                                                                                                                                                                                                              |
| JURISDICTION          | United States District Court for the Northern District of California                                                                                                                                                                                          |
| DECIDED               | June 20, 2025                                                                                                                                                                                                                                                 |
| DOCKET                | 24-cv-01867-TSH                                                                                                                                                                                                                                               |
| DISPOSITION           | other                                                                                                                                                                                                                                                         |
| PROCEDURAL POSTURE    | After plaintiff voluntarily dismissed the action without prejudice under Federal Rule of Civil Procedure 41(a)(1)(A), defendant moved for attorney's fees under Rule 54(d) and California Penal Code section 502(e)(2). The district court denied the motion. |
| STANDARD OF REVIEW    | The court evaluated the fee motion under the governing procedural and statutory standards; no deferential appellate standard of review was applied.                                                                                                           |
| PRECEDENTIAL VALUE    | unpublished, nonprecedential federal district court order                                                                                                                                                                                                     |

TOPICS

- attorney fees
- civil procedure
- statutory interpretation
- remedies
- commercial litigation

PRACTICE AREAS

- civil procedure
- attorney's fees
- remedies
- commercial litigation
- statutory interpretation

## QUESTIONS PRESENTED

1. Whether the court retained jurisdiction after Christian's voluntary dismissal to decide Betak's request for attorney's fees.
2. Whether a voluntary dismissal without prejudice created a judgment permitting an attorney-fee motion under Federal Rule of Civil Procedure 54(d).
3. Whether Betak was entitled to attorney's fees under California Penal Code section 502(e)(2) after Christian voluntarily dismissed his CDAFA claim.

## HOLDINGS

1. A voluntary dismissal terminates jurisdiction over the merits but does not eliminate the court's jurisdiction over collateral matters such as attorney's fees; therefore, the court retained jurisdiction to consider Betak's fee motion.
2. A voluntary dismissal without prejudice under Rule 41(a)(1)(A) does not create a judgment for purposes of Rule 54(d); because no judgment or judicial decree was entered, the Rule 54 prerequisite for an attorney-fee motion was absent.
3. Betak was not entitled to attorney's fees under section 502(e)(2). Even assuming the statute permits a prevailing defendant to seek fees, the court would not exercise its discretion to award fees because Christian's CDAFA claim was not objectively frivolous or abusive.

## KEY QUOTATIONS

*“the imposition of costs, attorney’s fees, and contempt sanctions . . . [are] not a judgment on the merits of an action”* (at 3)

*“Because there is no document labeled ‘judgment’ in this case and no decree entered by the court and because a voluntary dismissal without prejudice is ordinarily not an appealable order, there is no judgment in this case for purposes of Rule 54.”* (at 4-5)

## FACTUAL BACKGROUND

Christian and Betak co-founded GoPlug, an electric-vehicle-charger company, and served as its principal officers. Christian alleged that Betak, who controlled GoPlug's computer systems and Google Workspace, disabled Christian's access to his company email and other accounts and later shut down company operations. After the court dismissed Christian's CDAFA claim with leave to amend twice, Christian voluntarily dismissed the action before filing another amendment.

## PROCEDURAL HISTORY

Christian filed claims under the Computer Fraud and Abuse Act, the California Comprehensive Computer Data Access and Fraud Act, breach of fiduciary duty, and for an accounting. The court denied dismissal of the CFAA claim but dismissed the remaining claims with leave to amend, then dismissed the amended CDAFA, fiduciary-duty, and accounting claims with leave to amend again. Christian subsequently filed a notice voluntarily dismissing all claims without prejudice. Betak then moved for attorney's fees, which the court denied.

## DISPOSITION

other

## CASES CITED

- Cooter & Gell v. Hartmarx Corp., 496 U.S. 384, 395-96 (1990)
- Moore v. Permanente Medical Group, Inc., 981 F.2d 443, 445 (9th Cir. 1992)
- MRO Communications, Inc. v. AT&T Co., 197 F.3d 1276, 1280-82 (9th Cir. 1999)
- Abrams v. Lightolier, Inc., 50 F.3d 1204, 1224 (3d Cir. 1995)
- Buckhannon Board & Care Home, Inc. v. West Virginia Department of Health & Human Resources, 532 U.S. 598, 605 (2001)
- Szabo Food Service, Inc. v. Canteen Corp., 823 F.2d 1073, 1076-77 (7th Cir. 1987)
- Concha v. London, 62 F.3d 1493, 1506 (9th Cir. 1995)
- Physician's Surrogacy, Inc. v. German, 311 F. Supp. 3d 1190, 1194-95 (S.D. Cal. 2018)
- People v. Childs, 220 Cal. App. 4th 1079, 1104 (2013)
- U.S. Source LLC v. Chelliah, 2014 WL 6977597, at \*2, \*4, \*7 (Cal. Ct. App. Dec. 10, 2014)
- United States v. Williams, 979 F. Supp. 2d 1099, 1103 n.2 (D. Haw. 2013)
- Swearingen v. HAAS Automation, Inc., 2010 WL 1495204, at \*2 (S.D. Cal. Apr. 14, 2010)
- OptiStreams, Inc. v. Gahan, 2006 WL 829113, at \*10 (E.D. Cal. Mar. 27, 2006)
- Manufacturing Automation & Software Systems, Inc. v. Hughes, 2019 WL 2396308, at \*4 (C.D. Cal. June 3, 2019), *aff'd*, 833 F. App'x 147 (9th Cir. 2021)

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