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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MOTOROLA, INC., FKA Motorola
Solutions, Inc., a Delaware corporation,

Plaintiff-Appellee,

v.

HAROLD PICK, DBA C. Donnelly
Communications, DBA Radio Design, an
individual,

Defendant-Appellant.

No. 16-55312

D.C. No.
2:04-cv-02655-JFW-SH

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
John F. Walter, District Judge, Presiding

Submitted November 13, 2017**
Pasadena, California

Before: KOZINSKI, HAWKINS, and PARKER,*** Circuit Judges.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

*** The Honorable Barrington D. Parker, Jr., United States Circuit Judge for the U.S. Court of Appeals for the Second Circuit, sitting by designation.

Defendant Harold Pick (“Pick”) appeals the district court’s denial of his motion to vacate a renewal of judgment in favor of Motorola Solutions, Inc. (“MSI”). We affirm.

The district court correctly concluded MSI had standing to seek renewal of the judgment against Pick. It was not necessary for Motorola, Inc. to execute a separate assignment of its rights in the judgment to MSI because this automatically occurred as an operation of Delaware law. 8 Del Code § 259 (a) (“when any merger . . . shall become effective under this chapter. . . . all debts due to any of [the] constituent corporations . . . shall be vested in the corporation surviving or resulting from such merger”). To the extent Pick argued it was possible the judgment against him had already been transferred to another entity prior to the merger, MSI properly controverted this speculation with a sworn affidavit in opposition to Pick’s motion to vacate the renewal. Finally, the district court sufficiently articulated reasons in support of its decision by incorporating by reference the arguments set forth in MSI’s opposition.

AFFIRMED.