

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

SPINNAKERS, INC., et. al.,)	
)	
Plaintiffs,)	
)	
VS.)	No. 01-1103
)	
THE CITY OF JACKSON, TENNESSEE,)	
et. al.,)	
)	
Defendants.)	

ORDER DENYING MOTION TO EFFECT ENTRY OF FINAL
JUDGMENT AS TO THE HENDERSON COUNTY DEFENDANTS

Plaintiffs filed this action on March 21, 2001. On October 3, 2001, the court granted the Henderson County Defendants’ motion for summary judgment. On November 8, 2001, the Henderson County Defendants, Former Sheriff Barry Roberts, Acting Sheriff Jerry Bingham, and unidentified deputies of Henderson County, moved for entry of final judgment.¹ Plaintiffs have not responded to this request.

Federal Rule of Civil Procedure 54 (b) provides that “when more than one claim for relief is presented in an action . . . the court may direct the entry of a final judgment as to one or more but fewer than all of the claims or parties only upon an express determination that

¹ It should be noted that the Henderson County Defendants failed to comply with Local Rule 7.2 (a)(1). Local Rule 7.2 (a)(1)(A) requires “[a]ll motions, except motions pursuant to Fed. R. Civ. P. 12, 56, 59 and 60” to be “accompanied by a proposed order.” Also Local Rule 7.2 (a)(1)(B) requires all motions, except those made pursuant to Fed. R. Civ. P. 12, 56, 59 and 60 to be accompanied by a certificate of co counsel stating whether the parties are in agreement concerning the motion. See Local Rule 7.2 (a)(1)(B).

there is no just reason for delay and upon an express direction for the entry of judgment.”

In determining whether there is a just reason for delay district courts should take into account equitable considerations as well as judicial administrative concerns. See Curtiss-Wright Corp. v. General Elec. Co., 446 U.S. 1, 8 (1980). District courts should also guard against piecemeal appeals by considering whether an appellate court would be required to decide the same issues more than once. See id. Accordingly, it is appropriate to consider whether the claims which have been resolved are separable from the remaining claims. See id.

The Henderson County Defendants argue that they were improperly sued by Plaintiffs and that it is unjust and prejudicial to the Henderson County Defendants for them to remain in this litigation. Though the court recognizes the concern of the Henderson County Defendants, it does not appear that their case is an unusually harsh case. Further, the claims against the Henderson County Defendants do not appear to be as separable from the remaining litigation as they allege. Although there are many facts particular to the claims asserted against the Henderson County Defendants, many of the underlying facts are the same as those involved in the remaining claims. There is no need for the Sixth Circuit to entertain an appeal involving the underlying facts of this action twice.

The Henderson County Defendants’ motion to effect entry of final judgment is DENIED.

IT IS SO ORDERED.

JAMES D. TODD
UNITED STATES DISTRICT JUDGE

DATE