

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Robert W. Bright,

Plaintiff,

v.

Gallia County, Ohio and the
Board of Commissioners of
Gallia County, Ohio, et al.

Defendants.

Case No. 2:12-cv-800

Judge Graham

Magistrate Judge Deavers

OPINION AND ORDER

This matter is before the court on a motion for entry of judgment pursuant to Federal Rule of Civil Procedure 54(b). Pursuant to that rule, “when an action presents more than one claim for relief . . . or when multiple parties are involved, the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay.” For the reasons stated below, the motion is granted.

This action presents claims against four defendants: Gallia County, Ohio and the Board of Commissioners of Gallia County, the Gallia County Public Defender Commission, Judge David Dean Evans, and the Gallia County Criminal Defense Corp. In a pair of orders, the Court dismissed three of the four defendants, only Judge Evans remains. See docs. 43, 44. The denial of Judge Evans’s motion to dismiss is currently under interlocutory appeal.

Though plaintiff’s claims against all parties arise generally from a dispute with Judge Evans and his subsequent termination from his job, his claims against Judge Evans are quite different from and rely on different facts and legal theories than his claims against the other defendants. Plaintiff claims that by removing him from more than representing more than 70 felony defendants before the

Gallia County Court of Common Pleas, Judge Evans violated his rights under the First and Fourteenth Amendments, interfered with his contract and business relationships with other defendants, and by publicizing facts of his removal invaded his privacy. Plaintiff claims that the other defendants retaliated against him for exercising his First Amendment rights, violated his right to equal protection by terminating him for speaking out against Judge Evans, and violated his due process and contractual rights by terminating him. In short, plaintiff seeks to hold Judge Evans liable for actions he took in removing him from his criminal representations, but he seeks to hold the other defendants liable for how they responded to or failed to protect him from Judge Evans's actions.

There is no just reason to delay appellate review of the Court's dismissal of the Board of Commissioners, the Public Defender Commission, or the Criminal Defense Corporation. There is little chance that appellate review of these dismissals could be mooted by subsequent developments, nor that the appeals court could be called upon to rule on the same issues twice. See Corrosioneering Inc. v. Thyssen Env'tl. Sys. Inc., 807 F.2d 1279, 1283 (6th Cir. 1986).

For the foregoing reasons, the clerk is ORDERED to enter final judgment as to defendants Gallia County, Ohio and the Board of Commissioners of Gallia County, the Gallia County Public Defender Commission, and the Gallia County Criminal Defense Corp.

IT IS SO ORDERED.

S/ James L. Graham
James L. Graham
UNITED STATES DISTRICT JUDGE

Date: July 29, 2013