

---

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**  
**CENTRAL DIVISION**

---

**UNISHIPPERS GLOBAL LOGISTICS,  
LLC, a Delaware Limited Liability  
Company,**

**Plaintiff,**

**vs.**

**DHL EXPRESS (USA), INC., an Ohio  
Corporation,**

**Defendant.**

**MEMORANDUM DECISION  
AND ORDER**

**Case No. 2:08CV894 DAK**

---

This matter is before the court on Unishippers' Motion for Rule 54(b) Certification of Order Dismissing Rescission Claim. The court has carefully reviewed the written memoranda submitted by the parties. Pursuant to local rule 7-1(f), the court has concluded that oral argument would not be helpful or necessary, and thus the court will determine the motion on the basis of the written memoranda. *See* DUCivR 7-1(f).

On October 26, 2009, the court dismissed Unishippers' Second Cause of Action for Rescission.<sup>1</sup> Pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, Unishippers now requests that the court enter final judgment on its Rescission claim and make a determination that there is no just reason for delay.

The court, however, declines to enter this partial final judgment. "Rule 54(b) is not intended to provide a mechanism for splitting multiple claims into separate lawsuits." *Jordan v. Pugh*, 425 F.3d 820, 829 (10<sup>th</sup> Cir. 2005). Indeed, "[i]nterrelated legal claims and alternative

---

<sup>1</sup>*See* Docket #124.

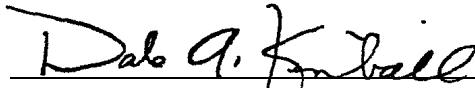
theories for recovery should be litigated together and appealed together.” *Id.* Unishippers has already prevailed on a Motion for Preliminary Injunction, and the trial date is less than ten months away. Therefore, the court finds that Unishippers will not suffer from undue hardship or delay by waiting until the litigation at the district court level has concluded. A single appeal, if any, would be more a efficient use of the parties’ and the appellate court’s resources.

### CONCLUSION

For the foregoing reasons, IT IS HEREBY ORDERED that Unishippers’ Motion for Rule 54(b) Certification of Order Dismissing Rescission Claim [Docket # 132] is DENIED.

DATED this 23<sup>rd</sup> day of February, 2010.

BY THE COURT:

  
\_\_\_\_\_  
DALE A. KIMBALL  
United States District Judge