

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

EVANGELINA FULKS, Administratrix
of the Estate of Julia Fulks

PLAINTIFF

v.

No. 3:10CV00310 JLH


UNION PACIFIC RAILROAD COMPANY

DEFENDANT

FINAL JUDGMENT PURSUANT TO RULE 54(b)

On November 9, 2011, the Court entered an Opinion and Order granting partial summary judgment to Union Pacific Railroad Company on the claims of Evangelina Fulks, Administratrix of the Estate of Julia Fulks, ruling that Fulks' claims that different or additional warning devices should have been installed at the crossing in question are preempted by federal law and dismissing those claims. Pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Court directs entry of a final judgment as to the claims adjudicated in that Opinion and Order. The Court expressly determines that there is no just reason for delay in the entry of a final judgment as to those claims. As explained in an Opinion and Order entered separately today, Evangelina Fulks wishes to dismiss this action with prejudice; Union Pacific Railroad Company contends that she should not be allowed to avoid the binding effect of the partial summary judgment by dismissing this action without prejudice; and Fulks stipulates that the claims addressed in that order are preempted by federal law. Accordingly, there is no just reason for delay, and entry of a final judgment as to those claims is appropriate pursuant to Rule 54(b).

IT IS SO ORDERED this 15th day of December, 2011.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE