

1  
2  
3  
4 **UNITED STATES DISTRICT COURT**  
5 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

6  
7 **JOHN SCALIA, individually and as successor-**  
8 **in-interest of Decedent KIMBERLY**  
9 **MORRISSEY-SCALIA,**

10 **Plaintiff,**

11 **v.**

12 **COUNTY OF KERN, et al.,**

13 **Defendants.**

**1:17-cv-01097-LJO-SKO**

**ORDER RE: REQUEST FOR ENTRY  
OF JUDGMENT BY DEFENDANT  
KERN COUNTY HOSPITAL  
AUTHORITY**

**(ECF No. 85)**

14 On October 21, 2019, a proposed order for judgment was submitted by Defendant Kern County  
15 Hospital Authority. *See* ECF No. 85. As summary judgment has already been granted in favor of  
16 Defendant Kern County Hospital Authority, that defendant has been terminated. *See* ECF No. 75.  
17 Accordingly, the recently filed proposed order appears to be a request for entry of separate judgment as  
18 to those defendants under Federal Rule of Civil Procedure 54(b). However, concerns about judicial  
19 economy counsel that Rule 54(b) should be used sparingly. *See Curtiss-Wright Corp. v. Gen. Elec. Co.*,  
20 446 U.S. 1, 10 ((1980) (“Plainly, sound judicial administration does not require that Rule 54(b) requests  
21 be granted routinely.”); *Morrison-Knudsen Co. v. Archer*, 655 F.2d 962, 965 (9th Cir. 1981) (directing  
22 that Rule 54(b) be “reserved for the unusual case in which the costs and risks of multiplying the number  
23 of proceedings and of overcrowding the appellate docket are outbalanced by pressing needs of the  
24 litigants for an early and separate judgment as to some claims or parties”). Because an expedited appeal  
25 is an exception rather than the rule, the court should not enter judgment pursuant to Rule 54(b) absent a

1 showing of hardship, injustice, or “unusual and compelling circumstances.” *Morrison-Knudsen Co.,*  
2 *Inc.*, 655 F.2d at 966. Accordingly, the request for entry of separate judgment is **DENIED WITHOUT**  
3 **PREJUDICE** to its renewal accompanied by an appropriate showing.

4 IT IS SO ORDERED.

5 Dated: October 22, 2019

/s/ Lawrence J. O’Neill  
UNITED STATES CHIEF DISTRICT JUDGE

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25