

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Case No. 04-cv-02414-LTB-KMT

ORLANDO CORTEZ CLARK,

Plaintiff,

v.

COLORADO DEPARTMENT OF CORRECTIONS, et al.,

Defendants.

**ORDER CLARIFYING ENTRY OF FINAL JUDGMENT PURSUANT TO FED. R. CIV.
R. 54(b) FROM DEFENDANT PHYSICIANS HEALTH PARTNERS**

This matter comes before the Court on Defendant Physician Health Partners' Motion for Clarification of this Court's Order Granting Defendant's Motion for Entry of Final Judgment Pursuant to Fed. R. Civ. P. 54(b). The Court, having reviewed the Motion and the file herein, hereby grants the Motion. This Court's Order granting Defendant Physician Health Partners' Motion for Summary Judgment issued on October 29, 2008, is a final judgment, as it disposes all of Plaintiff's claims against Defendant Physician Health Partners. This Court determines that its Order granting Defendant Physician Health Partners' Motion for Summary Judgment is not subject to any revision or further consideration by this Court, and no just reason exists to delay entry of a final judgment on Plaintiff's claims against Defendant Physician Health Partners. Initially, Plaintiff sought and this Court has already rejected any reconsideration of this Court's Order. Further, the Plaintiff's claims against and the role of Defendant Physician Health Partners is distinct from the Plaintiff's claims against the other Defendants, and in particular, the remaining

Defendants. It is this Court's determination that there is no reason why a final judgment cannot be entered in favor of Defendant Physician Health Partners and that any appeal by the Plaintiff of this Court's grant of summary judgment cannot be reviewed by the Tenth Circuit separately from any appeal of any determination regarding the other Defendants in this case. Under the specific circumstances of this case related to the Plaintiff's claims against Defendant Physician Health Partners, this Court determines the requirements of Fed. R. Civ. P. 54(b) have been met and an entry of final judgment is appropriate.

Dated this 13th day of January, 2009.

BY THE COURT:

s/Lewis T. Babcock
Lewis T. Babcock, Judge