

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 09-cv-00704-CMA-KMT

LAUREN P. ANDERSON, and
WILLIAM W. ANDERSON, III,

Plaintiffs,

v.

DAVID C. VAN PELT, M.D.,
BROOKS W. LONG, M.D., and
SALLIE B. CLARK, M.D.,

Defendants.

**ORDER ENTERING FINAL JUDGMENT UNDER
FEDERAL RULE OF CIVIL PROCEDURE 54(b)**

This case is a medical malpractice action brought by Plaintiffs Lauren P. Anderson and William W. Anderson's ("Plaintiffs") concerning the medical treatment Plaintiff Lauren Anderson received from the named Defendants. This matter is before the Court on Defendant Christopher G. McLaughlin, M.D.'s ("McLaughlin") Motion for Clarification of Order Granting Summary Judgment (Doc. # 193). McLaughlin requests clarification as to whether the Court intended its order granting summary judgment in McLaughlin's favor (the "Order," Doc. # 188) to be a final judgment under Federal Rule of Civil Procedure 54(b). McLaughlin filed the motion as unopposed, and Plaintiffs did not file a response to the motion.

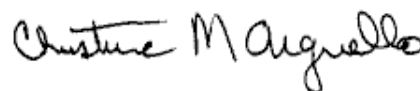
The Court did not intend the Order to be a final judgment pursuant to Rule 54(b). However, after carefully considering the factors relevant to certification of a final judgment under Rule 54(b), and given that no party has asserted a reason for delay, the Court finds no just reason for delaying entry of judgment. See Fed. R. Civ. P. 54(b). Plaintiffs' single claim against McLaughlin is for professional negligence, or medical malpractice. This claim is separable from the other medical malpractice claims remaining for adjudication. Entry of final judgment as to the Court's Order granting summary judgment will resolve fully and finally the only dispute between Plaintiffs and McLaughlin. McLaughlin may be prejudiced if required to wait to seek his costs until the conclusive resolution of the remaining claims.

Accordingly, for the foregoing reasons, it is

ORDERED that the summary judgment entered in favor of Defendant Christopher G. McLaughlin, M.D. (Doc. # 188) is certified to be a final judgment under Fed. R. Civ. P. 54(b).

DATED: January 13, 2011

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge