

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 09-cv-02311-RPM

MICHAEL CACIOPPO,

Plaintiff,

v.

TOWN OF VAIL, COLORADO, and
DARREN ANDERSON,

Defendants.

ORDER FOR ENTRY OF FINAL JUDGMENT PURSUANT TO FED.R.CIV.P. 54(b)

On December 13, 2011, a judgment was entered dismissing the plaintiff's complaint against defendant Town of Vail, Colorado, pursuant to this Court's granting of that defendant's motion for summary judgment. On January 12, 2012, the plaintiff filed a motion to direct entry of final judgment under Fed.R.Civ.P. 54(b), because the defendant Darren Anderson is in military service and on active duty making it uncertain when the claims against him may go to trial. The ruling dismissing the Town of Vail was not based on the question of whether Officer Darren Anderson violated the Constitutional protections of the plaintiff. Under these circumstances, the Court finds and concludes that there is no just reason for delay in the entry of final judgment dismissing the Town of Vail and it is therefore

ORDERED that the Clerk shall now enter final judgment pursuant to Fed.R.Civ.P. 54(b) dismissing the Town of Vail, Colorado, and awarding costs to that defendant.

Dated: January 13th, 2012

BY THE COURT:
s/Richard P. Matsch

Richard P. Matsch, Senior District Judge