

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 10-cv-00576-PAB-KMT

STATE RESOURCES CORP., an Iowa corporation,

Plaintiff,

v.

NATURE'S WAY DAIRY LLC, a Colorado Limited Liability Company,
RONALD A. COOK,
PATRICIA COOK, and
GEORGE T. COOK, also known as GEORGE TRENT COOK,

Defendants.

ORDER

This matter is before the Court on plaintiff's motion for entry of default judgment against defendants Ronald A. Cook, Patricia Cook, and George T. Cook ("the Cooks") [Docket No. 14]. Pursuant to the power granted in Federal Rule of Civil Procedure 55(a), the Clerk of the Court entered default against the Cooks on July 30, 2010 [Docket No. 17]. Plaintiff seeks a court order entering default judgment against the Cooks pursuant to Rule 55(b). However, plaintiff is seeking default judgment "as to one or more, but fewer than all, claims or parties." Fed. R. Civ. P. 54(b). Such a partial judgment may only be granted "if the court expressly determines that there is no just reason for delay." *Id.* In its motion, plaintiff asserts, without further explanation, such is the case here. See Docket No. 14 at 2, ¶ 7. The Court cannot, on the record before it, "expressly determine[] that there is no just reason for delay." Fed. R. Civ. P. 54(b); see

Stockman's Water Co., LLC v. Vaca Partners, L.P., 425 F.3d 1263, 1265 (10th Cir. 2005). Therefore, it is

ORDERED that plaintiff's motion for entry of default judgment against defendants Ronald A. Cook, Patricia Cook, and George T. Cook [Docket No. 14] is DENIED. Plaintiff may re-file its motion with an explanation of the grounds it believes support entry of judgment pursuant to 54(b) or at such time as no other defendants remain in this action.

DATED November 2, 2010.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge