

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

Civil Action No. 10-cv-02862-PAB-KLM

DEAN CARBAJAL,

Plaintiff,

v.

GILBERTO LUCIO, in his individual capacity,  
JAMES DIXON, in his individual capacity,  
MICHAEL O'NEILL, in his individual capacity, and  
JEFFREY WATTS, Investigator for the Second Judicial District, in his individual  
capacity,

Defendants.

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**ORDER**

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This matter is before the Court on the Delta Defendants' and State Defendants' Joint Motion for Entry of Final Judgment [Docket No. 806].

As to the parties' request for Rule 54(b) certification, under Fed. R. Civ. P. 54(b), the Court may direct the entry of a final judgment as to one or more but fewer than all of the claims in a multiclient case when "there is no just reason for delay." Fed. R. Civ. P. 54(b). Ultimately, the granting of a Rule 54(b) motion is left to the sound discretion of the trial court, which "must take into account judicial administrative interests as well as the equities involved." *Curtiss-Wright Corp. v. General Electric Co.*, 446 U.S. 1, 8 (1980).

Trial for the remaining defendants is set for January 9, 2017. Docket No. 828. There is no reason to enter final judgment as to some defendants less than a month

before trial even if, as the Delta and State defendants claim, all of the dismissed claims are separable and the appellate court would not need to decide the same issues more than once on appeal. Docket No. 806.

In light of the circumstances, the defendants' grounds for seeking final judgment under Rule 54(b) are insufficient. Therefore, it is

**ORDERED** that the Delta Defendants' and State Defendants' Joint Motion for Entry of Final Judgment [Docket No. 806] is DENIED.

DATED December 14, 2016.

BY THE COURT:

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