

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

Civil Action No. 11-cv-01430-PAB-MEH

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH SCOTT and
JO ANN SCOTT,

Defendants.

ORDER

This matter is before the Court on the Joint Motion for Entry of Proposed Consent Decree Between the United States and Defendant Jo Ann Scott [Docket No. 67] filed by plaintiff and defendant Jo Ann Scott (collectively, the “parties”). The parties request that the Court enter judgment in favor of plaintiff and against Jo Ann Scott pursuant to the terms of a Consent Decree. See Docket No. 67-1.

The parties’ request implicates Federal Rule of Civil Procedure 54(b), which allows a district court to “direct entry of a final judgment as to one or more, but fewer than all, . . . parties only if the court expressly determines that there is no just reason for delay.” Fed. R. Civ. P. 54(b). The parties have jointly sought entry of final judgment. The Court perceives little risk of piecemeal appeals and, therefore, concludes there is no just reason to delay entering final judgment pursuant to the parties’ agreement. See *Comerica Bank-Detroit v. Allen Industries, Inc.*, 769 F. Supp. 1408, 1410 (E.D. Mich. 1991) (where the court concluded there was “no just reason to delay” entry of judgment

pursuant to Rule 54(b) because it could not “perceive any risk that the parties to the[] settlement agreements will appeal this judgment”); *cf. Curtiss-Wright Corp. v. Gen. Elec. Co.*, 446 U.S. 1, 8 (1980) (stating that district court, when determining whether to enter judgment pursuant to Rule 54(b), must aim to “preserve[] the historic federal policy against piecemeal appeals”) (citation omitted).

For the foregoing reasons, and the Court having reviewed the Joint Motion and the attached Consent Decree, it is

ORDERED that the Joint Motion for Entry of Proposed Consent Decree Between the United States and Defendant Jo Ann Scott [Docket No. 67] is GRANTED. It is further

ORDERED that the Consent Decree entered into between plaintiff and defendant Jo Ann Scott [Docket No. 67-1] is adopted as an Order of the Court. It is further

ORDERED that defendant Jo Ann Scott’s motion to dismiss [Docket No. 29] is denied as moot. It is further

ORDERED that judgment shall enter in favor of plaintiff and against defendant Jo Ann Scott pursuant to Federal Rule of Civil Procedure 54(b).

DATED October 18, 2011.

BY THE COURT:

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