

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Chief Judge Marcia S. Krieger**

Civil Action No. 13-cv-02990-MSK-KMT

KHALED ALATTAR,

Plaintiff,

v.

**AARON BELL;
CHRISTOPHER BELL;
RACHEL BELL; and
WILLIAM BELL,**

Defendants.

**ORDER REOPENING CASE AND CERTIFYING
JUDGMENT PURSUANT TO RULE 54(B)**

THIS MATTER comes before the Court *sua sponte*.

On September 29, 2014, this Court entered an Order (# **88**) granting the Defendants' motion to dismiss Khaled Alattar's complaint and denying Mr. Alattar's request for leave to amend. The Court directed that the complaint be dismissed without prejudice, that the Clerk of the Court enter final judgment, and that the case be closed. In doing so, however, the Court overlooked the fact that a motion to intervene by Luxeyard, Inc. has been granted (# **57**), and that Luxeyard thus remained a plaintiff asserting live claims.

Accordingly, the Court's direction to the Clerk of the Court to close this case was in error. The Court **VACATES** that portion of its prior Opinion and the Clerk is ordered to re-open the case. A Motion to Dismiss the Complaint in Intervention remains pending in front of the

Magistrate Judge (# 65, 69), and to the extent necessary, the Clerk shall also administratively re-designate that motion as pending.

There remains the matter of the Judgment (# 89) entered against Mr. Alattar. Pursuant to *Oklahoma Turnpike Authority v. Bruner*, 259 F.3d 1236, 1241-42 (10th Cir. 2001), the Court finds that there is no just reason to delay potential appellate review of the dismissal of Mr. Alattar's complaint and that entry of final judgment as to him under Fed. R. Civ. P. 54(b) is appropriate. The defects compelling dismissal of Mr. Alattar's claims are personal to him and not likely to be implicated in addressing Luxeyard's complaint. Accordingly, the final judgment (# 89) is thus **DEEMED AMENDED** to reflect that it is entered against Mr. Alattar as a final judgment pursuant to Fed. R. Civ. P. 54(b), with the remainder of the case proceeding.

Dated this 30th day of September, 2014.

BY THE COURT:

A handwritten signature in black ink that reads "Marcia S. Krieger". The signature is written in a cursive style with a dot over the 'i' in "Krieger".

Marcia S. Krieger
Chief United States District Judge