

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DELICE RODRIQUE and MARTIN
SCHAEFER, individually and on
behalf of all others similarly
situated,

Plaintiffs,

vs.

Case No. 2:03-cv-519-FtM-33SPC

ECKERD CORPORATION,

Defendant.

_____ /

ORDER

This matter comes before the Court on the parties' Joint Motion to Bifurcate Liability and Damages Trials (Doc. # 266), which was filed on February 6, 2006.

The parties seek an order bifurcating the issues of liability and damages at trial pursuant to Federal Rule of Civil Procedure 42(b), which states:

The court, in furtherance of convenience or to avoid prejudice, or when separate trials will be conducive to expedition and economy, may order a separate trial of any claim, cross-claim, counterclaim, or third-party claim, or of any separate issue or of any number of claims, cross-claims, counterclaims, third-party claims, or issues, always preserving inviolate the right of trial by jury as declared by the Seventh Amendment to the Constitution or as given by a statute of the United States.

The joint motion explains: "the calculation of damages, given the involvement of 2607 Opt-in Plaintiffs, would be extraordinarily cumbersome at best and unnecessary should the jury and/or Court

determine that there is no liability. More importantly, if liability were determined, the amount of damages owed is a mathematical certainty. Indeed, in the event liability was established, it is most probably that the parties would be able to stipulate to the amount of damages." (Doc. # 266 at 2).

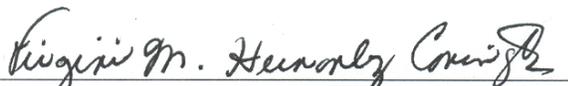
The Court finds it appropriate to grant the motion to bifurcate the trial.

Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

1. The parties' Joint Motion to Bifurcate Liability and Damages Trials (Doc. # 266) is **GRANTED**.

DONE and ORDERED in Chambers in Ft. Myers, Florida, this 8th day of February 2006.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies: All Counsel of Record