

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

KROMA MAKEUP EU, LLC,

Plaintiff,

v.

Case No: 6:14-cv-1551-Orl-40GJK

BOLDFACE LICENSING + BRANDING,
INC., KIMBERLY KARDASHIAN,
KOURTNEY KARDASHIAN, KHLOE
KARDASHIAN and BY LEE TILLET, INC.,

Defendants.

_____ /

ORDER

This cause comes before the Court on the parties' Joint Motion for Rule 54(b) Certification of Order Granting Summary Judgment to Kardashian Defendants (Doc. 170). For the reasons expressed in the parties' motion (and in Docket Entry 160, the "**Summary Judgment Order**"), and having considered judicial administrative interests and equitable concerns, the Court finds that: (1) the Order granting summary judgment in favor of the Kardashian Defendants and against Plaintiff Kroma Makeup EU, LLC (Doc. 160), is an ultimate disposition of Plaintiff's claims for relief against the Kardashian Defendants; (2) there is no just reason for delay in certifying it as final and immediately appealable; and (3) that to do so would not lead to piecemeal appeals. See *Lloyd Nolan Found., Inc. v. Tenet Health Care Corp.*, 483 F.3d 773, 777–78 (11th Cir. 2007).

A brief explanation of these findings is warranted. See *id.* at 778 n.5. The Summary Judgment Order is a final disposition as to Plaintiff's claims against the Kardashian Defendants. Interpreting the contractual language vesting Plaintiff with intellectual

property rights in the Kroma marks, the Court held that Plaintiff lacked standing to sue under 15 U.S.C. § 1125(a). (Doc. 160, pp. 7–11). Because the holding disposed of all Plaintiff’s claims against the Kardashian Defendants and effectively dismissed them from the action, the Summary Judgment Order was a “final judgment.” See *In re Se. Banking Corp.*, 69 F.3d 1539, 1547 (11th Cir. 1995).¹ The risk of piecemeal litigation is virtually nonexistent because the only “remaining claims” necessitating a Rule 54(b) certification in the first place were transferred to arbitration and against a defaulted Defendant, respectively. See *Arango v. Guzman Travel Advisors*, 761 F.2d 1527, 1530–31 (11th Cir. 1985); (Doc. 160, p. 2 n.1). And upon consideration of judicial administrative interests and equitable concerns, there is no just reason to delay the appeal of the Summary Judgment Order.

The Court will therefore certify the August 24, 2017, Summary Judgment Order (Doc. 160) as a final appealable judgment, pursuant to Rule 54(b), Federal Rules of Civil Procedure.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. The Joint Motion for Rule 54(b) Certification of Order Granting Summary Judgment to Kardashian Defendants (Doc. 170) is **GRANTED**, and a Rule 54(b) Judgment will be entered in the Kardashian Defendants’ favor and against Plaintiff Kroma Makeup EU, LLC.

¹ On this record, the Court has little difficulty finding that the Summary Judgment Order fully disposed of Plaintiff’s “entire claims” against the Kardashian Defendants. See *id.* at 1547.

DONE AND ORDERED in Orlando, Florida on February 21, 2019.



PAUL G. BYRON
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record