

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

CHRISTINA NECOLE VAZQUEZ-
KLECHA,

Plaintiff,

vs.

ELIZABETH ANN BICKERSTAFF and
MICHAEL NEELY,

Defendants.

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CASE NO 4:20-CV-227 (CDL)

O R D E R

Plaintiff brought wrongful death claims against Defendants Elizabeth Bickerstaff and Michael Neely, alleging that their negligent actions proximately caused the death of Plaintiff's father, Bick Bickerstaff. Both Defendants moved for summary judgment, and the Court granted Elizabeth's motion in its entirety but denied Neely's motion.¹ See Order (Dec. 16, 2021), ECF No. 76. Thus, only Plaintiff's claims against Defendant Neely remain pending for trial. Seeking to have the Court of Appeals review the Court's summary judgment in favor of Elizabeth before having to go to the expense of a trial against Neely alone, Plaintiff asks the Court to direct final judgment on the Court's summary

¹ To avoid any confusion, the Court clarifies that the phrase "in its entirety" in the summary judgment order meant that the Court's order disposed of all of Plaintiff's claims against Elizabeth.

judgment ruling against Plaintiff and in favor of Elizabeth (ECF No. 79). Defendants do not oppose Plaintiff's motion.

Pursuant to Federal Rule of Civil Procedure 54(b), the Court may direct entry of final judgment in favor of Elizabeth only if it expressly determines that there is no just reason for delay. The Court so finds. Deciding on appeal whether the Court properly granted summary judgment in favor of Elizabeth will avoid the possibility of two trials should the Court of Appeals determine the Court's summary judgment ruling was erroneous. Minimizing the possibility of two unnecessary jury trials is particularly important in the ongoing covid era. Furthermore, it is unlikely that the Court of Appeals would have to decide the same issues again even if one or both Defendants appealed after a future trial. Finding no just reason for delay, including a specific finding that judicial economy and the interests of justice will be best served by the entry of final judgment at this time, the Court directs the Clerk to enter final judgment in favor of Defendant Elizabeth Ann Bickerstaff and against Plaintiff in this action based on the Court's previous summary judgment order (ECF No. 76). This action is stayed during the pendency of any appeal, and the previously scheduled trial and corresponding pretrial conference are canceled.

IT IS SO ORDERED, this 7th day of January, 2022.

S/Clay D. Land

CLAY D. LAND

U.S. DISTRICT COURT JUDGE

MIDDLE DISTRICT OF GEORGIA