

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

TARSIA WILLIAMS, ET AL.

CIVIL ACTION

VERSUS

NO. 09-65

LOCKHEED MARTIN CORPORATION, ET AL.

SECTION "B" (2)

ORDER AND REASONS

IT IS ORDERED that the Motion to Request Final Judgment Under Rule 58(b)(1)(C) (Rec. Doc. 123) is **GRANTED**. **IT IS FURTHER ORDERED** that the motion to Request Rule 54 Judgment (Rec. Doc. 110) is **DISMISSED AS MOOT**. Before this Court are the parties' "Motion to Request Rule 54 Judgment" (Rec. Doc. 110), "Objection to Plaintiff's Ex Parte/Consent Motion to Request Rule 54 Judgment" (Rec. Doc. 111), "Lockheed Martin Corporation's Supplemental Objection to Plaintiffs' Ex Parte/Consent Motion to Request Rule 54 Judgment" (Rec. Doc. 120), "Motion to Request Final Judgment Under Rule 58(b)(1)(C)" (Rec. Doc. 123), "Opposition to Plaintiffs' Motion to Request Final Judgment Under Rule 58(b)(1)(C)" (Rec. Doc. 126), and "Lockheed Martin Corporation's Joinder in Boeing Opposition to Plaintiffs' Motion to Request Final Judgment Under Rule 58(b)(1)(c)" (Rec. Doc. 128).

Defendants argue that this motion is improper procedurally because some of the Defendants have been dismissed without prejudice. In addition, the Defendants contend that seeking a final

judgment should not be accomplished through an Ex Parte motion. This Court finds both of these arguments to be without merit. First, the Fifth Circuit has held that "although a voluntary dismissal without prejudice . . . does not have preclusive effect on later claims, such a dismissal is a final judgment in the sense that it ends the pending action." *Yesh Music v. Lakewood Church*, 727 F.3d 356, 360 (5th Cir. 2013). Therefore this Court finds that the defendants listed in the Plaintiff's motions that were dismissed without prejudice satisfy the rule 58 requirements for entry of a final judgment. In addition, Defendants' contention that Plaintiffs' motion is procedurally improper because it is Ex Parte is without merit. Local Rule 7.3 does not provide an exhaustive list of what types of motions can be brought before the court using Ex Parte motions. Defendant does not cite any controlling authority that demonstrates that final judgment should never be entered through Ex Parte motions.

New Orleans, Louisiana, this 20th day of March, 2017.


SENIOR UNITED STATES DISTRICT JUDGE