

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

CHUC NGUYEN, ET AL.

CIVIL ACTION

VERSUS

NO. 11-1799
c/w 11-2705
PERTAINS TO
ALL CASES

AMERICAN COMMERCIAL LINES, INC.,
ET AL.

SECTION "B" (4)

ORDER AND REASONS

Considering the foregoing "Motion to Designate Order of the Court as a Final Judgment" (Rec. Doc. 156) and "Memorandum in Opposition to Motion to Designate Order of the Court as a Final Judgment Submitted on Behalf of American Commercial Lines LLC" (Rec. Doc. 157),

IT IS ORDERED that the motion is **DISMISSED WITHOUT PREJUDICE**. Plaintiffs request designating the December 19, 2016 Order (Rec. Doc. 121) as a final judgment for purposes of appellate review pursuant to Federal Rule of Civil Procedure 54 (b). Defendant argues that the motion should be denied because of Plaintiffs' repeated discovery misconduct and, moreover, to avoid piecemeal litigation. Federal Rule of Civil Procedure 54 (b) does not require a merit based analysis. Rule 54 (b) is appropriate "when an action presents more than one claim for relief—whether as a claim, counterclaim, crossclaim, or third-party claim—or when multiple parties are involved, the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties

only if the court expressly determines that there is no just reason for delay." Further, Rule 54(b) certification is usually given upon a showing of some danger of hardship or injustice through delay that would be remedied by immediate appeal. See Shimon v. Sewerage & Water Bd. of New Orleans, No. CIV A 05-1392, 2006 WL 2548057, at *2 (E.D. La. Sept. 1, 2006). Plaintiffs here have not presented, and the record as a whole is devoid, of grounds for finding either danger of hardship or injustice. See Dickinson v. Petroleum Conversion Corp., 338 U.S. 507, 511 (1950).

New Orleans, Louisiana, this 5th day of September, 2017.


SENIOR UNITED STATES DISTRICT JUDGE