

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

FIRST HARTFORD REALTY CORP.

CIVIL ACTION

VERSUS

NO. 11-2294

OMEGA CONTRACTORS INC. ET AL

SECTION "H"(1)

ORDER

Before the Court is Defendant, Heath Polasek's, Motion for Certificate of Appealability and Stay Pending Appeal (Doc. 241). 28 U.S.C. § 1292(b) permits a District Court judge to certify an interlocutory order as appealable when she is "of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation." Defendant requests that this Court certify the denial of his Motion to Dismiss (Doc. 210) as an interlocutory order.

Defendant argues that there is a "substantial ground for difference of opinion" as to whether this Court has jurisdiction over this case because Defendant disagrees with the Court's order. Defendant is incorrect. Defendant's Motion to Dismiss conflated two distinct legal concepts in an effort to convince this Court to accept an argument previously rejected. The Court's review of the governing law reveals no "substantial ground for difference of opinion" regarding the outcome of the motion. Additionally, the Court finds that an appeal at this time would only serve

to delay a final disposition in this matter. Finally, the Court notes that Defendant's objection is reviewable on appeal.

Accordingly, Defendant's Motion for Certificate of Appealability and Stay Pending Appeal is **DENIED**.

New Orleans, Louisiana, on this 9th day of October, 2013.



JAN TRICHE MILAZZO
UNITED STATES DISTRICT JUDGE