

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

WASTE MANAGEMENT OF LOUISIANA, LLC

CIVIL ACTION

VERSUS

NO. 11-2405

RIVER BIRCH, INC.,  
HIGHWAY 90, LLC,  
FREDERICK R. HEEBE and  
ALBERT WARD, JR.

SECTION "N" (4)

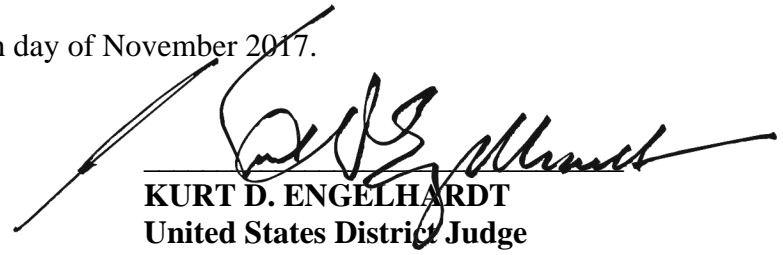
**ORDER AND REASONS**

Presently before the Court is Plaintiff "Waste Management of Louisiana, LLC's Motion to Designate Judgments as Final Pursuant to Fed. R. Civ. P. 54(b) and to Stay Proceedings Pending Appeal" (Rec. Doc. 382). Considered in the context of the multi-year history, and present posture of this proceeding, the Court is not convinced, on the limited showing made, that designating the recent partial summary judgment rulings (Rec. Docs. 372 and 375) as final judgments for purposes of immediate appeal, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, and entry of a stay pending completion of that appeal, is warranted. As discussed in Defendants' opposition memorandum (Rec. Doc. 386), the Court has dismissed only certain elements of damage sought to be awarded in Plaintiff's RICO claims. It has not rejected the entirety of any claim. Nor, in any event, is it certain that an immediate appeal would further the interests of judicial efficiency. Rather, to the contrary, a jury verdict rejecting the existence of a RICO enterprise and/or the conspiracy and bribery elements of Plaintiff's RICO claims seemingly would be dispositive of the

adverse damages rulings for which Plaintiff now seeks immediate appellate review. Accordingly,

**IT IS ORDERED** that Plaintiff's motion (Rec. Doc. 382) be and hereby is **DENIED**.

New Orleans, Louisiana, this 13th day of November 2017.



**KURT D. ENGELHARDT**  
**United States District Judge**

**Clerk to Copy:**

Chief Magistrate Judge Karen Wells Roby