

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

JACKSON JONES	*	CIVIL ACTION
VERSUS	*	NUMBER: 14-01245
TIDEWATER INC. ET. AL	*	SECTION "L"

ORDER AND REASONS

Before the Court is Defendant Tidewater Marine, LLC's Motion for Entry of Final and Immediately Appealable Judgment (Rec. Doc. 31). For the following reasons, the motion is hereby GRANTED.

I. BACKGROUND

On May 6, 2014, Jackson Jones (Plaintiff) filed suit against Tidewater, Inc. ("Tidewater") and against other defendants whom Jones has not yet served. In 2005, Plaintiff filed suit in this Court alleging similar claims against Tidewater, all based on his employment with the Defendant from 1978-1979. *Jackson C. Jones, Jr. v. Tidewater Marine, LLC, et al.*, Docket No. 05-3076. Those claims were dismissed with prejudice on the basis of prescription on May 3, 2007, and the Fifth Circuit affirmed that Judgment in a *per curiam* opinion dated January 29, 2008. *Jones v. Tidewater Marine LLC*, Docket No. 07-30510 (5th Cir. 2008).

On October 2, 2014, the Court granted Defendant Tidewater's Motion to Dismiss with prejudice, finding that Plaintiff's claims were barred by *res judicata*; were prescribed; and that the Plaintiff had failed to allege facts that stated a claim for relief that was plausible on its face. (Rec. Doc. 21). Plaintiff filed a Motion for Reconsideration of this Court's Order & Reasons, which the Court denied on November 12, 2014. (Rec. Doc. 30).

II. PRESENT MOTION (Rec. Doc. 31)

Defendant Tidewater filed the present motion and asks that, pursuant to Fed. R. Civ. P. 58(d), this “Court enter a final and immediately appealable Judgment in Tidewater’s favor in accordance with Fed. R. Civ. P. 54(b).” (Rec. Doc. 31-1 at 2). Tidewater contends that entry of a Rule 54(b) Judgment would be “appropriate, just, and proper” because the Court disposed of all of Plaintiff’s claims against Tidewater when the Court granted Tidewater’s Motion to Dismiss. Tidewater avers that “there is no just reason for delaying the entry of a final Judgment in its favor,” as Plaintiff’s claims are old and the Plaintiff’s claims against the remaining defendants may not be resolved for some time.

Plaintiff opposes the motion. (Rec. Doc. 32). Plaintiff’s opposition focuses on the merits of his claims and does not explain how the Court’s dismissal of Plaintiff’s claims against Tidewater is not ripe for a final judgment in accordance with Fed. R. Civ. P. 54(b).

III. LAW & ANALYSIS

“When an action presents more than one claim for relief...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.” Fed. R. Civ. P. 54(b). “The judge’s certification of one claim among multiple claims, must dispose of that claim *entirely*.” *Monument Mgmt. Ltd. P’ship I v. City of Pearl, Miss.*, 952 F.2d 883, 885 (5th Cir. 1992). Here, the Court’s dismissal of Plaintiff’s claims against Tidewater disposed of all Plaintiffs’ claims against Tidewater. Moreover, as noted by Tidewater, Plaintiff’s claims against Tidewater span decades and have already been litigated in this Court and in the Fifth Circuit. Tidewater also faces a potentially lengthy delay in securing a final judgment if this Court refuses to grant this motion, as Plaintiff named seven other defendants in his Complaint and has not served any of

those defendants to date. For these reasons, the Court finds that there is no just reason to delay issuance of a final judgment pursuant to Fed. R. Civ. P. 54(b).

IV. CONCLUSION

For the forgoing reasons, **IT IS ORDERED** that the Defendant Tidewater's Motion (Rec. Doc. 31) is **GRANTED**;

IT IS FURTHER ORDERED that pursuant to this Court's Order & Reasons, dated October 2, 2014, (Rec. Doc. 21), Tidewater's Motion to Dismiss (Rec. Doc. 6) is **GRANTED**;

IT IS FURTHER ORDERED that all claims of Plaintiff herein against Defendant Tidewater Marine, LLC, erroneously named in the Petition as "Tidex/Tidewater Marine Co.", be and hereby are **DISMISSED WITH PREJUDICE**;

As the Court finds that there is no just reason for delay of any appeal from this Court's Order and Reasons (Rec. Doc. 21), the Court shall issue a Rule 54(b) judgment.

New Orleans, Louisiana this 13th day of January, 2015.


UNITED STATES DISTRICT JUDGE