

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

DARRIN ROCKETT

CIVIL ACTION

VERSUS

NO.17-229

**BELLE CHASSE MARINE
TRANSPORTATION, LLC**

SECTION "S" (2)

ORDER

IT IS HEREBY ORDERED that Plaintiff's Motion to Certify as Partial Final Judgment under Rule 54(b) of the Federal Rules of Civil Procedure (Doc. #15) is **GRANTED**.

Rule 54(b) provides, in pertinent part:

when more than one claim for relief is presented in an action, whether as a claim, counterclaim, cross-claim, or third-party claim, or when multiple parties are involved, the court may direct the entry of a final judgment as to one or more but fewer than all of the claims or parties only upon an express determination that there is no just reason for delay and upon an express direction for the entry of judgment.

“One of the primary policies behind requiring a justification for Rule 54(b) certification is to avoid piecemeal appeals. PYCA Indus., Inc. v. Harrison Cnty. Waste Water, 81 F.3d 1412, 1421 (5th Cir.1996) (citing Ansam Assocs., Inc. v. Cola Petroleum, Ltd., 760 F.2d 442, 445 (2nd Cir.1985)).

“A district court should grant certification only when there exists some danger of hardship or injustice through delay which would be alleviated by immediate appeal.” Id. In deciding whether there is no just reason for delay, the district court has a duty to weigh “the inconvenience and costs of piecemeal review on the one hand and the danger of denying justice by delay on the other.” Road Sprinkler Fitters Local Union v. Continental Sprinkler Co., 967 F.2d 145, 148 (5th Cir.1992) (citation omitted).

This court finds that there is no just reason for delaying entry of a final judgment to allow plaintiff to appeal the court's Order and Reasons dismissing his punitive damages claim against defendant, St. John Fleeting, LLC (Doc. #14). St. John Fleeting does not oppose the motion. Thus, plaintiff's motion for entry of partial judgment is GRANTED. The case will continue to proceed while plaintiff pursues the appeal.

New Orleans, Louisiana, this 2nd day of June, 2017.



MARY ANN VIAL LEMMON
UNITED STATES DISTRICT JUDGE