

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

KENNETH SHEPHERD
VERSUS
EXXONMOBIL, ET AL.

CIVIL ACTION
NO. 06-509-JJB

RULING ON MOTION FOR RULE 54(b) CERTIFICATION

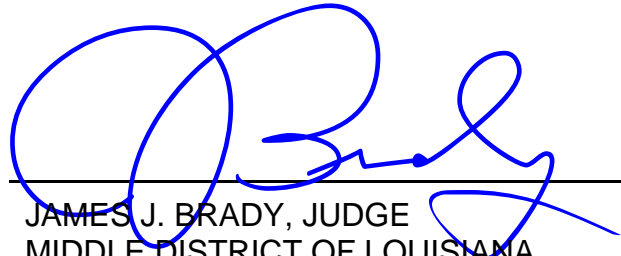
Before the court is a motion by SGS North America Inc. for entry of judgment under Fed. Rule Civ. P. 54(b). There is no need for oral argument.

When multiple claims and parties are involved, the court "may direct the entry of 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." Fed. Rule Civ. P. 54(b). While application of the rule is discretionary, there is "an historic federal policy against piecemeal appeals". **H & W Industries, Inc. v. Formosa Plastics Corp., USA**, 860 F.2d 172, 175 (5th Cir. 1988). For that reason, district courts have been instructed to use the procedure sparingly rather than routinely. **Jasmin v. Dumas**, 726 F.2d 242 (5th Cir. 1984).

Under the circumstances of this particular matter, the court finds that certification would not be appropriate. SGS will remain a party in the matter and factual issues remain which are interrelated with those determined by the court's summary judgment ruling.

Accordingly, the motion for certification under Rule 54(b) (doc.100) is hereby DENIED.

Baton Rouge, Louisiana, October 15, 2009.



JAMES J. BRADY, JUDGE
MIDDLE DISTRICT OF LOUISIANA