

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA
2009 MAY 19 P 2:15

DONALD CARL HOGDE, JR..

CIVIL ACTION

VERSUS

NO. 08-735-JJB

THE BOARD OF SUPERVISORS
FOR LOUISIANA STATE UNIVERSITY
AND AGRICULTURAL AND MECHANICAL
COLLEGE, ET AL.

RULING ON MOTION FOR RULE 54(b) CERTIFICATION

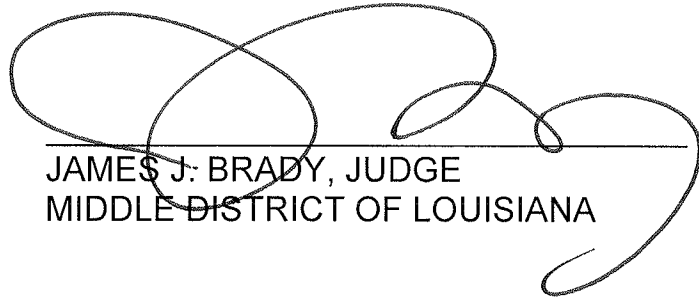
Before the court is a motion by the Board of Supervisors for certification under Fed. Rule Civ. P. 54(b). There is no need for oral argument.

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).

In this case, plaintiff has failed to demonstrated that certification under Rule 54(b) would be appropriate.

Accordingly, the motion for certification under Rule 54(b) (doc.11) is hereby DENIED.

Baton Rouge, Louisiana, May 19th, 2009.



JAMES J. BRADY, JUDGE
MIDDLE DISTRICT OF LOUISIANA