

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

FATIMA HAWKINS

VERSUS

SEAN FOWLER, ET AL.

CIVIL ACTION

NO. 09-639-JJB

RULING ON MOTION FOR RULE 54(b) CERTIFICATION

Before the court is a motion by plaintiff for entry of judgment under Fed. Rule Civ. P. 54(b). The government has filed a notice of no opposition. There is no need for oral argument.

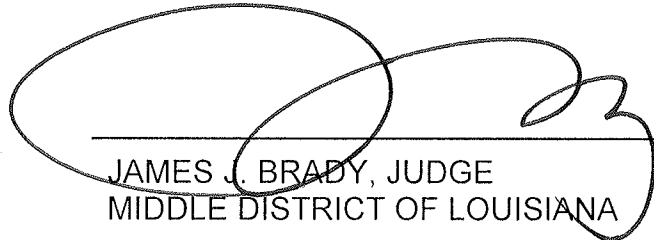
When multiple claims and parties are involved, the court "may direct the entry of judgment as to one or more but fewer than all of the claims or parties only upon an express determination that there is no just reason for delay." Fed. Rule Civ. P. 54(b). While application of the rule is discretionary, 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).

However, under the circumstances of this particular matter, the court finds that certification would be appropriate. Plaintiff seeks to appeal the court's determination that Fowler was not in the course and scope of his employment as an army recruiter

and that the FTCA claim fails as a matter of law. The remaining claims relate to liability and damages, including uninsured/underinsured motorist coverage. The pivotal issue relates to the FTCA claim. Judicial efficiency calls for certification.

Accordingly, the motion for certification under Rule 54(b) (doc. 33) is hereby GRANTED.

Baton Rouge, Louisiana, October 13th, 2010.



JAMES J. BRADY, JUDGE
MIDDLE DISTRICT OF LOUISIANA