

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH NORTON and KENDALE FARMS,

Plaintiffs,

v.

Case No. 10-15104

Honorable David M. Lawson

RICHARD P. ZUBKOFF, THOMAS LICKTEIG,
and MOWTEQ, LLC,

Defendants.

ORDER DENYING PLAINTIFFS' MOTION FOR ENTRY OF JUDGMENT

The matter is before the Court on the plaintiffs' motion for entry of judgment against Thomas Lickteig. On June 26, 2012, the Court granted summary judgment in favor of the plaintiffs and against defendant Lickteig on the plaintiffs' claims for fraud, negligent representation, detrimental reliance, and negligent concealment. The plaintiffs now seek the entry of a judgment in the amount of \$747,475.49 against defendant Lickteig.

Federal Rule of Civil Procedure 54(b) provides that “[w]hen 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 . . . only if the court expressly determines that there is no just reason for delay.” The commentary explains that the rule “was originally adopted . . . to avoid the possible injustice of a delay in judgment of a distinctly separate claim to await adjudication of the entire case.” Commentary, 1946 amend. The rule as written imposes two requirements before judgment may be entered on less than all claims: 1) the decision must “entirely resolve[]” an individual claim, and 2) there must be “no just reason for delay.” *Lowery v. Fed. Express Corp.*, 426 F.3d 817, 821 (6th Cir. 2005).

The order granting in part and denying in part the plaintiffs' motion for summary judgment does not entirely resolve any of the plaintiffs' claims. Therefore, the Court will deny the plaintiffs' motion.

Accordingly, it is **ORDERED** that the plaintiffs' motion for entry of judgment [dkt. #54] is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: August 13, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 13, 2012.

s/Deborah R. Tofil
DEBORAH R. TOFIL