

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

<b>JIMMY BULLOCK</b>	§	<b>PLAINTIFF</b>
	§	
<b>v.</b>	§	<b>Civil Action No. 1:04-CV-835</b>
	§	
<b>AIU INSURANCE COMPANY, ET AL.</b>	§	<b>DEFENDANTS</b>

**ORDER SUPPLANTING ENTRY OF FINAL  
JUDGMENT, ENTERING A RULE 54(b) JUDGMENT  
AND STAYING ALL FURTHER PROCEEDINGS**

THIS MATTER COMES BEFORE THE COURT on Defendants AIU and AIG's Motions to Vacate the Court's final judgment entered herein on April 27, 2006. Defendants move the Court to vacate the judgment and enter a final judgment in favor of the Defendants against the Plaintiff pursuant to FED. R. CIV. P. 54(b). In addition, AIU and AIG request the Court to stay all further proceedings relating to the cross-claim filed against them by the Gottfried Corporation.

FED. R. CIV. P. 54(b) states 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. In the absence of such determination and direction, any order or other form of decision, however designated, which adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties shall not terminate the action as to any of the claims or parties, . . . .

FED. R. CIV. P. 54(b).

The Court has reviewed the pleadings on file and finds that because there is a cross-claim pending against AIU and AIG, the April 27, 2006, final judgment was entered in error and should

be supplanted by a judgment in accord with FED. R. CIV. P. 54(b).

**IT IS THEREFORE ORDERED AND ADJUDGED** that Defendants AIU and AIG's Motion to Vacate Entry of Final Judgment, for Entry of FED. R. CIV. P. 54(b) Judgment and to Stay All Further Proceedings filed May 15, 2006 [59-1], Defendants' Motion for Entry of Judgment pursuant to FED. R. CIV. P. 54(b) filed May 16, 2006 [61-1], and Defendants' Motion to Stay Proceedings on the Cross-Claim filed May 16, 2006 [63-1] should be and are hereby **GRANTED**. Plaintiff's claims against all Defendants are hereby dismissed pursuant to FED. R. CIV. P. 54(b).

**IT IS FURTHER ORDERED AND ADJUDGED** that this judgment shall supplant the final judgment entered on April 27, 2006.

**IT IS FURTHER ORDERED AND ADJUDGED** that all proceedings relating to the cross-claim filed by the Gottfried Corporation against AIU and AIG are hereby stayed pending resolution of Plaintiff's direct appeal to the Fifth Circuit Court of Appeals. Therefore, the case shall remain pending as to Defendant Gottfried's cross-claim.

**SO ORDERED AND ADJUDGED** this the 17<sup>th</sup> day of July, 2006.

*Louis Guirola, Jr.*

LOUIS GUIROLA, JR.  
UNITED STATE DISTRICT JUDGE