

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

JERALD S. ENSLEIN, in his capacity)
as Chapter 7 Trustee for Xurex, Inc.,)
)
Plaintiff,)
)
vs.)
)
GIACOMO E. DI MASE, et al.,)
)
Defendants.)

Case No. 16-09020-CV-W-ODS

ORDER VACATING CLERK'S JUDGMENT

After the jury rendered its verdicts on Plaintiff's civil conspiracy and breach of fiduciary claims, the Clerk of the Court entered a Judgment in a Civil Case ("Clerk's Judgment") that solely memorialized the jury's verdicts on the claims that were tried. Doc. #631. Because the Clerk's Judgment could be construed as a final, appealable judgment, the Court vacates the Clerk's Judgment.

To be clear, the Court has not adjudicated all claims and all parties' rights and liabilities in this matter. Thus, the Court cannot enter a final, appealable judgment unless it "expressly determines that there is no just reason for delay." Fed. R. Civ. P. 58(b). The Court has not been asked to make that determination and declines to make such a determination.

IT IS SO ORDERED.

/s/ Ortrie D. Smith
ORTRIE D. SMITH, SENIOR JUDGE
UNITED STATES DISTRICT COURT

DATE: December 5, 2019