

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

TONYA MICHELLE MAHONE, as
Personal Representative of the Estate of
GERARD WATSON, Deceased,

Plaintiff,

v.

No. 1:15-cv-01009-PJK-KBM

GARY EDEN, JACQUELINE R.
FLETCHER, and CRST EXPEDITED,
INC.,

Defendants.

ORDER DENYING MOTION TO ALTER OR AMEND JUDGMENT

THIS MATTER came on for consideration of Plaintiff's Motion to Alter or Amend Judgment filed August 12, 2019. ECF No. 211. Defendant Fletcher has responded and the court finds that a reply is unnecessary because the motion simply does not question the underlying correctness of the judgment, an essential prerequisite of a Rule 59(e) motion. See Hayes Family Trust v. State Farm Fire & Casualty Co., 845 F.3d 997, 1005 (10th Cir. 2017); Servants of the Paraclete v. Does, 204 F.3d 1005, 1012 (10th Cir. 2000). Given that all claims have been resolved, Rule 54(b) which allows the court to enter a final judgment as to one or more claims or parties (but not all) given an express finding that "there is no just reason for delay" is inapposite. The court entered a final judgment on a separate document in accordance Rule 58 – that should be sufficient

notwithstanding that the parties may have different ideas about the collectability of the judgment or the advisability of an appeal.

NOW, THEREFORE, IT IS ORDERED that Plaintiff's Motion to Alter or Amend Judgment filed August 12, 2019, is denied.

DATED this 19th day of August 2019, at Santa Fe, New Mexico.

/s/ Paul Kelly, Jr.
United States Circuit Judge
Sitting by Designation