

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

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| M. DAVID REID, Individually and as Administrator of the Estate of Mary Ann Reid, deceased, | : | |
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| Plaintiff, | : | Case No. 3:07cv00453 |
| vs. | : | District Judge Walter Herbert Rice Magistrate Judge Sharon L. Ovington |
| UNITED STATES POSTAL SERVICE, et al., | : | |
| | : | |
| Defendants. | : | |
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DECISION AND ENTRY

This case is before the Court upon Defendant Martin D. Burns' Motion to Bifurcate (Doc. #57), the Government's Brief in Opposition (Doc. #65), Defendant Burns' Reply (Doc. #71), and the record as a whole.

Defendant Burns seeks an Order, pursuant to Fed. R. Civ. P. 42, bifurcating for trial the scope-of-employment issues from issues relating to the nature and extent of damages. Such bifurcation is warranted, according to Defendant Burns, because resolution of the scope-of-employment issues would greatly clarify and simplify the roles of the various litigants and other remaining issues to be resolved at trial.

The Government opposes bifurcation by pointing out that it already has already singled out the scope-of-employment issue in its Motion for Partial Summary Judgment, and as a result, bifurcation would serve no purpose.

The Government's position is well taken at the present time. Although the Court previously denied the Government's Motion for Partial Summary Judgment, the denial was without prejudice to renewal at the conclusion of additional discovery. (Doc. #109). Consequently, Defendant Burns' Motion to Bifurcate is presently premature and should be denied without prejudice to renewal.

Accordingly, it is hereby ORDERED that Defendant Martin D. Burns' Motion to Bifurcate (Doc. #57) is DENIED without prejudice to renewal.

January 28, 2010

s/Sharon L. Ovington
Sharon L. Ovington
United States Magistrate Judge