

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

KENNETH L. MYERS, *et al.*, :
Plaintiffs, :
v. : Case No. 3:13-cv-75
BRICKLAYERS AND MASONS : JUDGE WALTER H. RICE
LOCAL 22 PENSION PLAN, *et* :
al., :
Defendants.

CERTIFICATION OF DECISION AND ENTRY, DOC. #59, UNDER FED.
R. CIV. P. 54(b); ORDER DIRECTING ENTRY OF JUDGMENT IN
FAVOR OF PLAINTIFFS AND AGAINST DEFENDANT BRICKLAYERS
AND MASONS LOCAL 22 PENSION PLAN AND THE BOARD OF
TRUSTEES OF THE BRICKLAYERS AND MASONS LOCAL 22
PENSION PLAN

The Court has issued a Decision and Entry Sustaining Plaintiffs' Motion for Summary Judgment and Overruling Defendant Bricklayers and Masons Local 22 Pension Plan and the Board of Trustees of the Bricklayers and Masons Local 22 Pension Plan's ("the Local 22 Defendants") Motion for Summary Judgment. Doc. #59.

Plaintiffs' Motion to Vacate the Decision and Entry Sustaining Defendants Bricklayers and Trowel Trades International Pension Fund and the Board of Trustees of the Bricklayers and Trowel Trades International Pension Fund's Motion

to Dismiss the Amended Complaint, Doc. #53, is not yet fully briefed, and remains pending.

Nevertheless, Plaintiffs' claims against the two different pension funds are unrelated, and the Court's decision on the pending Motion to Vacate will not affect the Court's ruling with respect to the Local 22 Defendants. Because the legal issues involved in the two claims are entirely distinct, piecemeal appeals are not a concern. Moreover, because Plaintiffs' disability retirement benefits are at stake, the Court finds that entry of judgment on the claims against the Local 22 will alleviate any hardship that may result from a delay.

Accordingly, pursuant to Federal Rule of Civil Procedure 54(b), the Court finds that there is no just reason to delay entry of final judgment with respect to Plaintiffs' claims against Defendant Bricklayers and Masons Local 22 Pension Plan and the Board of Trustees of the Bricklayers and Masons Local 22 Pension Plan.

The Clerk is DIRECTED to enter final judgment in favor of Plaintiffs and against Defendants Bricklayers and Masons Local 22 Pension Plan, and the Board of Trustees of the Bricklayers and Masons Local 22 Pension Plan.

Date: July 15, 2014



WALTER H. RICE
UNITED STATES DISTRICT JUDGE