



Constitution.<sup>1</sup> The factual bases for these claims are distinct from the factual basis for plaintiffs' negligence/wrongful death claim against Ms. Kramer. Even if there was a subsequent appeal from plaintiffs' claim against Ms. Kramer, "no appellate court would have to decide the same issues more than once." Stockman's Water, 425 F.3d at 1265.

In light of the uncertainty as to when the bankruptcy stay against Ms. Kramer will be lifted and, recognizing the possibility that plaintiffs' claim against Ms. Kramer may be discharged in bankruptcy, the court concludes that the inequities that could result from delaying plaintiffs' appeal weigh against Rule 54(b)'s policy of preventing piecemeal appeals. It therefore determines that there is no just reason for delay and that final judgment in favor of defendants Julie Whitaker and Tamara Washington and against plaintiffs Zane and Leah Hedger should be entered. Fed.R.Civ.P. 54(b).

**IT IS SO ORDERED.**

Dated this 14<sup>th</sup> day of Nov., 2016.

  
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JOE HEATON  
CHIEF U.S. DISTRICT JUDGE

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<sup>1</sup>Plaintiffs also challenge the court's rulings regarding what claim they pleaded in their second amended complaint (negligence or an intentional tort) and whether leave to amend should have been granted. Those issues would not recur in a second appeal.