

direction for the entry of judgment.” Fed. R. Civ. P. 54(b). When analyzing a Rule 54(b) motion, the court weighs the “policy of preventing piecemeal appeals against the inequities that could result from delaying an appeal.” *Stockman’s Water Co. v. Vaca Partners, L.P.*, 425 F.3d 1263, 1265 (10th Cir. 2005). In doing so, the court considers “whether the claims under review [are] separable from the others remaining to be adjudicated and whether the nature of the claims already determined [are] such that no appellate court would have to decide the same issues more than once even if there were subsequent appeals.” *Id.* (citation and internal quotation marks omitted). Because “sound judicial administration does not require that Rule 54(b) requests be granted routinely,” the power to grant such a request rests with the sole discretion of a district court. *Curtiss-Wright Corp. v. Gen. Elec. Co.*, 446 U.S. 1, 10 (1980).

Here, plaintiff has not alleged specific inequities that would result from delaying the appeal, and the court has found none. Plaintiff’s remaining trespass claim arises out of the same set of facts as the claims asserted against defendant Carroll and defendant City. Furthermore, plaintiff alleged Fifth Amendment claims against each defendant in this case and her claims against each defendant arise out of the same factual allegations. Appealing each order of dismissal separately will cause the appellate court to have to decide the same issues more than once. After weighing the policy of preventing piecemeal appeals against the inequities that could result from delaying an appeal, the court finds no reason to certify the appeals under Rule 54(b).

IT IS THEREFORE ORDERED that plaintiff’s Motion to Certify Under 54(b) as to Defendant Chris Carroll (Doc. 136) is denied.

IT IS FURTHER ORDERED that plaintiff’s Motion to Certify Under 54(b) as to Defendant City of Lenexa, Kansas (Doc. 139) is denied.

Dated this 24th day of June 2009, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge