

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

SANDRA J. DAVIS, VELINA B. *
DUNCAN, ROSE BROWN AND *
ANNETTE AMICK, *

Plaintiffs, *

vs. *

CASE NO. 4:04-CV-20-2 (CDL)

VALLEY HOSPITALITY SERVICES, LLC, *

Defendant *

O R D E R

The Court presently has before it several motions related to its April 25, 2005 Order granting in part and denying in part Defendant's Motions for Summary Judgment. In that Order, the Court granted Defendant's Motions for Summary Judgment with regard to the disparate impact and systemic disparate treatment claims of all four Plaintiffs and also granted summary judgment in favor of Defendant with regard to the individual disparate treatment claims of Plaintiffs Velina Duncan, Rose Brown and Annette Amick. The Court denied Defendant's Motion for Summary Judgment with regard to the individual disparate treatment claims of Plaintiff Sandra Davis, which are now the only claims remaining in the case.

Before the Court is Defendant's Motion for Reconsideration of its Order denying Defendant's Motion for Summary Judgment with regard to the claims of Plaintiff Davis. In the alternative, Defendant has moved for certification for immediate appeal of the denial of Defendant's Motion for Summary Judgment pursuant to 28 U.S.C. § 1292(b). The Court also has before it, pursuant to Federal Rule of

Civil Procedure 54(b), Plaintiffs' Motion for Entry of Final Judgment as to the claims of Plaintiffs Duncan, Brown and Amick.

Defendant's Motion for Reconsideration is denied.

Defendant's Motion for Certification, pursuant to 28 U.S.C. § 1292(b), for immediate appeal of the denial of Defendant's Motion for Summary Judgment is granted. The Court's order of April 25, 2005, is hereby modified by the addition of the following paragraph:

The Court certifies, pursuant to 28 U.S.C. § 1292(b), that it is of the opinion that the denial of Defendant's Motion for Summary Judgment with regard to the claims of Plaintiff Sandra Davis involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the Order may materially advance the termination of the litigation.

Plaintiffs' Motion for Entry of Final Judgment pursuant to Federal Rule of Civil Procedure 54(b) as to the claims of Plaintiffs Duncan, Brown and Amick is granted. In its April 25, 2005 Order, the Court completely disposed of these Plaintiffs' claims of disparate impact, systemic disparate treatment and individual disparate treatment by granting Defendant's Motion for Summary Judgment as to these claims. These claims are separable from Plaintiff Davis' claims for individual disparate treatment, which are the only claims not disposed of by the April 25, 2005 Order. The Court finds that there is no just reason for delaying entry of final judgment as to the claims of Plaintiffs Duncan, Brown and Amick. Each Plaintiff is seeking separate relief based on separate sets of facts, and no useful purpose can be served by postponing the final disposition of the

claims of Duncan, Brown and Amick. Accordingly, the Clerk is directed to enter final judgment in favor of Defendant and against Plaintiffs Duncan Brown and Amick.

In summary, Defendant's motion for reconsideration is denied; Defendant's motion for certificate of immediate appeal is granted; and Plaintiff's motion for entry of final judgment against Duncan, Brown and Amick in favor of Defendant is granted.

IT IS SO ORDERED, this 31st day of May, 2005.

S/Clay D. Land

CLAY D. LAND

UNITED STATES DISTRICT JUDGE