

FILED IN CHAMBERS
U.S.D.C. Atlanta

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA JUN 12 2009
ATLANTA DIVISION

By: JAMES N. HATTEN, Clerk
James N. Hatten
Deputy Clerk

HECTOR LUNA, JULIAN GARCIA,
FRANCISCO JAVIER LORENZO,
SANTOS G. MALDONADO, PATRICIA
WOODARD and BARTOLO NUNEZ,
Individually and on behalf of
all others similarly situated,

Plaintiffs,

CIVIL ACTION NO.

v.

1:06-CV-2000-JEC

DEL MONTE FRESH PRODUCE
(SOUTHEAST), INC.,

Defendants.

ORDER

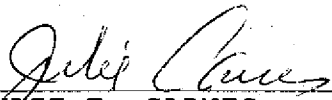
This case is presently before the Court on plaintiffs' Emergency Motion for Entry of Final Judgment [313]. Plaintiffs seek the entry of final judgment, pursuant to Federal Rule of Civil Procedure 54(b), as to the dismissal of their claims against Del Monte Fresh Produce, N.A. ("DMNA"). (*Id.*) Plaintiffs further request that the Court's decision on this motion be expedited, so that the Eleventh Circuit may review the Court's decision as to the claims against DMNA in conjunction with its upcoming review of the Court's denial of class certification. (*Id.*) The Circuit Court accepted review of the class certification decision on May 14, 2009, but has not yet set a date

for argument. (*Id.* at 2.)

Defendant does not oppose plaintiffs' motion. (Def.'s Resp. [320].) Moreover, final judgment against DMNA is appropriate under Rule 54(b). FED. R. CIV. P. 54(b). The Court's previous summary judgment order disposed of all of plaintiffs' claims against DMNA, and eliminated DMNA as a party to this action. The parties agree, and the Court expressly finds, that there is no just reason for delay in entering final judgment as to the claims against DMNA. Accordingly, plaintiffs' Emergency Motion for Entry of Final Judgment [313] as to the claims against DMNA is **GRANTED**.

The Clerk entered judgment on the claims against DMNA on March 3, 2009. (Judgment [278].) The Court now clarifies that the judgment [278] is a final judgment pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

SO ORDERED, this 12 day of June, 2009.



JULIE E. CARNES
CHIEF UNITED STATES DISTRICT JUDGE