

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BRIDGEPORT MUSIC, INC., et al.

v.

NO. 3:01-0730
JUDGE CAMPBELL

DM RECORDS, INC., et al.

ORDER

Pending before the Court is Plaintiffs' Motion to Certify the Order Dismissing DM Records, Inc. as a "Final Judgment" Pursuant to Rule 54(b). The Motion is DENIED as moot.

By Order (Docket No. 54) of January 29, 2002, the Court granted the Motion of Defendant DM Records, Inc. to dismiss for lack of personal jurisdiction. The Order expressly directed entry of judgment pursuant to Fed. R. Civ. P. 54(b) as follows:

The Court hereby makes an "express determination that there is no just reason for delay." Fed. R. Civ. P. 54(b). Defendant has been dismissed for lack of personal jurisdiction. "[D]ealing with the jurisdictional issue now may obviate the need for a second trial and thus aids expeditious decision in this case. The jurisdictional question at issue here is unrelated to the other issues in the case; thus, entry of final judgment will not lead to undesirable 'piecemeal appeals.'" Core-Vent Corp. v. Nobel Industries AB, 11 F.3d 1482, 1485 (9th Cir. 1993; Wright, Miller & Kane, Federal Practice and Procedure: Civil 3d § 2656. The Court further makes an "express direction for the entry of judgment." Fed. R. Civ. P. 54(b).

Plaintiffs now move the Court to do what the Court clearly has already done. Counsel would be well advised to read the Orders of the Court carefully before filing motions complaining about them.

This document was entered on
the docket in compliance with
Rule 58 and / or Rule 79 (a).

FRCP. on 1-30-02 by ja

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Plaintiffs move the Court to “certify, pursuant to Rule 54(b), that its Order entered January 29, 2002, granting defendant DM Records, Inc.’s (“DM”) motion to dismiss for lack of personal jurisdiction is a ‘final judgment,’ so that plaintiffs may perfect their appeal of said decision.” Nowhere in the Motion, or Memorandum in support, do Plaintiffs acknowledge or otherwise recognize that the Court has already actually made the Rule 54(b) certification in the very Order that Plaintiffs seek to appeal. The pending Motion is clearly moot and is denied as such.

Because the Plaintiffs have filed a motion seeking relief that has been granted in the very Order which is the subject of the Motion, counsel for Plaintiffs are forewarned that such conduct in the future may result in sanctions pursuant to 28 U.S.C. § 1927. Section 1927 provides that any attorney “who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys’ fees reasonably incurred because of such conduct.” Id.

IT IS SO ORDERED.


TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE