

Three employees sued their employer in federal court for failing to pay overtime wages, in violation of both federal and state law. The employer moved for summary judgment on the federal-law claims but not on the state-law claims, which closely paralleled the federal-law claims. The court granted the employer's motion.

The employees have moved in the district court for an order certifying an immediate appeal of the grant of summary judgment on the federal-law claims because there is no just reason for delay.

Is the court likely to grant the motion?

- A. No, because the employees should have filed their certification motion in the court of appeals.
- B. No, because the federal-law claims are not separate and distinct from the state-law claims.
- C. Yes, because denying an immediate appeal may prejudice the employees by delaying their recovery.
- D. Yes, because the employees are entitled to immediate review of the grant of summary judgment on the federal-law claims.

Correct

Collecting Statistics

02 mins, 01 secTime Spent

2023Version

Explanation:

Final-judgment rule

Rule Appeal only allowed after final judgment

If multiple claims/parties, final judgment as to fewer than all claims/parties appropriate if court expressly determines no justifiable reason for delay

Exceptions Interlocutory appeals* concerning:

Injunction (grant/denial)

Certification by district court

Class action certification

Appointment of receiver

Admiralty case

Collateral-order doctrine

Bankruptcy cases (certain orders)

Mandamus (petition for writ)

Patent infringement order (only accounting left)

Mnemonic: In Certain Circumstances, An Appeal Can Be Made Prematurely

*Appeal from trial court ruling that occurs before entry of final judgment.

A party may appeal after the district court has entered a final judgment unless a limited exception applies. For example, when an action involves **multiple claims or parties**, a district court may enter **final judgment** as to **fewer than all claims or parties** and certify the judgment for **immediate appeal** if it expressly determines that there is **no just reason for delay**. For no just reason for delay to exist, courts generally require that the adjudicated and unadjudicated **claims be separate and distinct**.

Here, the employees sued their employer in federal district court for violating federal and state wage laws. The court granted the employer's motion for summary judgment on the federal-law claims, but the state-law claims remain. The state-law and federal-law claims are closely parallel, so the federal-law claims are not separate and distinct from the state-law claims. This means that the court is unlikely to find that there is no just reason for delay. Therefore, the court will likely *deny* the employees' motion for an order certifying an immediate appeal.

(Choice A) The employees properly filed their certification motion in the district court because the district court—not the [appellate court](#)—is authorized to enter final judgment and certify claims for immediate appeal.*

*An appellate court can review a district court's entry of the final judgment and remand the case if it determines that the district court abused its discretion in determining that there was no just reason for delay.

(Choice C) Waiting until a final judgment on the entire action is entered will always delay plaintiffs' recovery. If this factor controlled, every claim determined in a multiple-claim action before a final judgment was reached in the entire action would be immediately appealable. This would effectively eliminate the final-judgment rule in these actions.

(Choice D) The employees are *not* entitled to immediate review of the grant of summary judgment on the federal-law claims because the court is unlikely to determine that there is no justifiable reason for delay.

Educational objective:

When an action involves multiple claims or parties, a district court may enter final judgment as to fewer than all claims or parties and certify the judgment for immediate appeal if it expressly determines that there is no just reason for delay. This generally requires that the adjudicated and unadjudicated claims be separate and distinct.

References

28 U.S.C. § 1291 (setting forth the final-judgment rule).

Fed. R. Civ. P. 54(b) (explaining when a district court may enter final judgment for multiple claims or parties).

10 Charles Alan Wright et al., Federal Practice and Procedure § 2659 (4th ed. 2021) (explaining that a district court may find that no just reason to delay an immediate appeal exists when the claims are separate and distinct).

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