

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

PETER THORSON, MANAGED
INVESTMENTS INCORPORATED,
CONSTRUCTION MANAGEMENT
INC., and GERKE EXCAVATING, INC.,

Defendants.

and

ACUITY, a Mutual Insurance Company,
and RURAL MUTUAL INSURANCE COMPANY,

Intervening Defendants.

Intervening defendants Acuity and Rural Mutual Insurance Company have moved for reconsideration of the order entered herein on January 9, 2004, denying entry of partial judgment pursuant to Fed. R. Civ. P. 54(b). Defendants point out that the January 9, 2004 order may have been premised on the understanding that trial would take place on February 16, 2004, when in fact it is not scheduled for trial until May 3, 2004.

Although I doubt that defendants could secure a ruling from the Court of Appeals for the Seventh Circuit before May 3, 2004, and I do not intend to continue the trial date past May 3, 2004, I am willing to enter judgment for the intervening defendants pursuant to Rule

54(b). The additional three months until trial ameliorates my concern that defendants will be too deeply involved in trial preparation to make an informed decision on appealing this judgment.

ORDER

IT IS ORDERED that intervening defendants Acuity and Rural Mutual Insurance Company's motion for reconsideration is GRANTED. Further, IT IS ORDERED that the clerk of court is to enter partial judgment for intervening defendants Acuity and Rural Mutual Insurance Company pursuant to Fed. R. Civ. P. 54(b) because there is no just reason for delay.

Entered this 15th day of January, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge