

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) Case No. 06-CA-114xx-xxx
)
Dr. Steve B. Patriot, et al.,) (Jury Trial Demanded)
)
 Defendants.)

**DEFENDANTS' REQUEST FOR CERTIFICATION OF ORDER OF FINAL
JUDGMENT**

Pursuant to this Court's Judgment of Foreclosure and Memorandum and Order dated August 17, 2007 and Federal Rule of Civil Procedure 54(b) the Patriot Defendants hereby submit their request for Certification.

On August 17, 2007, this Court granted the Plaintiff's Motion for Partial Summary Judgment as to its foreclosure claim and further granted the Plaintiff's Motion for a separate judgment pursuant to Rule 54(b) of the Federal Rules of Civil Procedure. In its Memorandum and Order, Justice Woodlock directed the Clerk to enter the order of foreclosure as, "a final judgment."¹ Under Federal Rule 54(b), there must be, "an express determination that there is no just reason for delay," and, "an express direction for the entry of judgment," for a ruling to sufficiently meet the criteria of finality.

¹ Memorandum and Order dated August 17, 2007, pages 25- 26

In his ruling of August 17, 2007, Justice Woodlock made unequivocally clear the Court's position regarding the finality of its order by providing a distinct, direct and unambiguous rationale for the determination that there is no just reason for delay as well as an express direction for the entry of judgment.^{2,3}

Accordingly, the Defendants request that this Court grant our request for Certification of its Order dated August 17, 2007.

² id at 26

³ Citing United States Court of Appeals for the Third Circuit Court (No. 00-3433: July 26, 2001) BERCKELEY INVESTMENT GROUP, LTD. v. DOUGLAS COLKITT; SHORELINE PACIFIC INSTITUTIONAL FINANCE, THE INSTITUTIONAL DIVISION OF FINANCE WEST GROUP; NATIONAL MEDICAL FINANCIAL SERVICES CORPORATION "proper exercise of discretion under Rule 54(b) requires the district court to do more than just recite the 54(b) formula of 'no just reason for delay.' The court should clearly articulate the reasons and factors underlying its decision to grant 54(b) certification." Allis-Chalmers Corp. v. Philadelphia Elec. Co., 521 F.2d 360, 364 (3d Cir. 1975); see also Waldorf v. Shuta, 142 F.3d 601, 611 (3d Cir. 1998). See also: Ebrahimi v. City of Huntsville Bd. of Educ., 114 F.3d 162, 166 (11th Cir. 1997); Feinstein v. Resolution Trust Corp., 942 F.2d 34, 39-40 (1st Cir. 1991); Fuller v. M.G. Jewelry, 950 F.2d 1437, 1441 (9th Cir. 1991); Pension Benefit Guar. Corp. v. LTV Corp., 875 F.2d 1008, 1015 (2d Cir. 1989), rev'd on other grounds, 496 U.S. 633 (1990); Bank of Lincolnwood v. Federal Leasing, Inc., 622 F.2d 944, 948- 49 (7th Cir. 1980).

Pro se, for Defendant Dr. Steve B. Patriot

Pro se, for Defendant Deborah B. Patriot

Dr. Steve B. Patriot

Deborah B. Patriot

Certificate of Service: We hereby certify that on this date, we sent a copy of this response to opposing party by e-mail, as requested.

August 24, 2007

Dr. Steve B. and Deborah Patriot
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