

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

FORTUNATO GARCIA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CASE NO. 3:08CV95 (DFM)
	:	
ROBERT HEBERT et al.,	:	
	:	
Defendants.	:	

ORDER VACATING ENTRY OF JUDGMENT

The court hereby VACATES the judgment entered on March 27, 2013 (doc. #279) as it was entered in error. The damages claim against defaulted defendant Robert Hebert has not been adjudicated fully.¹ See doc. #39 (granting default judgment against defendant Hebert as to liability only and postponing determination of damages and attorney's fees). Rule 54(b) of the Federal Rules of Civil Procedure provides that a "decision . . . that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties does not end the action as to any of the claims or parties and may be revised at any time before the entry of a judgment adjudicating all the

¹All other claims were resolved at different stages of the litigation. In March 2009, all claims against defendants Magdalena Campos and Andrew Wittstein and the official capacity claims against defendant Lisa Killiany were dismissed. (Doc. #99.) In July 2010, plaintiff's Second Amended Complaint abandoned his claims against John Doe and Mary Roe. (Doc. #137.) In December 2011, the official capacity claims against defendant Jane Serafini were dismissed. (Doc. #202.) In March 2013, the court granted the motions for summary judgment of defendants Killiany, Serafini and John Guerrero. (Doc. #281.)

claims and all the parties' rights and liabilities." Because the court granted plaintiff's motion for default judgment against defendant Hebert but has yet to determine the amount of damages and fees, the action has not ended, and the entry of judgment (doc. #279) was premature.

A hearing on damages and attorney's fees as to defendant Hebert will be scheduled in due course.

SO ORDERED at Hartford, Connecticut this 24th day of April, 2013.

_____/s/_____
Donna F. Martinez
United States Magistrate Judge