

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**TUNICA WEB ADVERTISING, INC. AND  
CHERRY L. GRAZIOSI,**

**PLAINTIFFS,**

**VS.**

**CIVIL ACTION NO. 2:03CV234-P-D**

**BARDEN MISSISSIPPI GAMING, LLC (d/b/a  
“Fitzgerald’s Casino and Hotel”); BL DEVELOPMENT  
CORP. (d/b/a “Grand Casino Tunica”); ROBINSON  
PROPERTY GROUP, LTD PARTNERSHIP (d/b/a  
“Horseshoe Casino & Hotel”); TUNICA PARTNERS  
II LP (d/b/a “Harrah’s Tunica Mardi Gras Casino”);  
BALLY’S OLYMPIA LIMITED PARTNERSHIP  
(d/b/a “Bally’s Saloon & Gambling Hall”); HWCC-  
TUNICA, INC. (d/b/a “Hollywood Casino Tunica”);  
BOYD TUNICA, INC. (d/b/a “Sam’s Town Hotel &  
Gambling”); and SHERATON TUNICA  
CORPORATION (d/b/a “Sheraton Casino & Hotel”),**

**DEFENDANTS.**

**PARTIAL FINAL JUDGMENT**

This matter comes before the court upon Plaintiff’s Motion for Determination and Finding Pursuant to FRCP Rule 54(b) or in the Alternative for Interlocutory Appeal [390-1]. Upon due consideration of the motion, no response having been filed, the court finds as follows, to-wit:

Insofar as the instant motion seeks a final judgment under Fed. R. Civ. P. 54(b) with regard to all of the plaintiff’s claims against the defendants pursuant to this court’s December 21, 2005 Opinion and Order dismissing same, while leaving the defendants’ counterclaims, the court concludes that the motion should be granted. The court does not, however, find that there is substantial ground for difference of opinion justifying an interlocutory appeal.

**IT IS THEREFORE ORDERED AND ADJUDGED that:**

(1) Plaintiff's Motion for Determination and Finding Pursuant to FRCP Rule 54(b) or in the Alternative for Interlocutory Appeal [390-1] is **GRANTED IN PART AND DENIED IN PART**;

(2) The motion is denied with regard to the motion for an interlocutory appeal;

(3) The motion is granted with regard to the motion for partial final judgment under Fed. R. Civ. P. 54(b); thus,

(4) For the reasons discussed in its December 21, 2005 Opinion and Order, it is the final judgment of the court that the claims of Cherry Graziosi, in her individual capacity, are dismissed for lack of standing and all of the claims of Tunica Web Advertising, Inc. are dismissed with prejudice; and

(5) The defendants' counterclaims remain.

**SO ORDERED** this the 6<sup>th</sup> day of February, A.D., 2006.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE