

IN THE SUPREME COURT OF THE STATE OF IDAHO

JOHN HASTINGS, JR.,

Plaintiff-Counterdefendant-  
Appellant,

v.

IDAHO DEPARTMENT OF WATER  
RESOURCES, a political subdivision  
of the STATE OF IDAHO,

Defendant-Counterclaimant-  
Respondent.

**Order Conditionally  
Dismissing Appeal**

Supreme Court Docket No. 50273-2022

Ada County District Court No.  
CV01-21-17825

A Notice of Appeal was filed in the District Court on November 11, 2022, from the Partial Judgment with Rule 54(b) Certificate entered by District Judge Lynn G. Norton and filed on October 3, 2022. Pursuant to Idaho Rule of Civil Procedure 54(b)(1), in the event the trial court determines that a partial judgment should be certified as final under Rule 54(b), the court must execute a certificate which must immediately follow the court's signature on a partial judgment and be in substantially the form found in Appendix B. It appears that the Partial Judgment with Rule 54(b) Certificate is not in compliance with I.R.C.P. 54(b)(1); therefore,

IT IS HEREBY ORDERED that this appeal shall be conditionally dismissed as the Partial Judgment with Rule 54(b) Certificate filed on October 3, 2022, is not in compliance with I.R.C.P. 54(b)(1) as the Rule 54(b) certificate does not immediately follow the court's signature on the partial judgment as required by I.R.C.P. 54(b)(1). This appeal shall be suspended for twenty-one (21) days from the date of this Order for entry of a partial judgment in the District Court in compliance with I.R.C.P. 54(b)(1) or, Appellant counsel may file a Response with this Court as to why this appeal should not be dismissed.

DATED this 20th day of December, 2022.

For the Supreme Court

  
\_\_\_\_\_  
Melanie Gagnepain, Clerk