

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

DARRIN FALCON

PLAINTIFF

v.

No. 4:10-cv-715-DPM

CEM S.A.; MANCHESTER TANK &  
EQUIPMENT CO; DOE CORPORATIONS No. 5;  
JOHN DOES 1-50; METAL FUSION, INC.;  
NINGBO WANAN COMPANY LTD.; and  
CINCINNATI INSURANCE COMPANY

DEFENDANTS

ORDER

The Court hoped to resolve the outstanding indemnity issue and close this case by the end of February, but Manchester Tank and Falcon appear to be at an impasse. *Document Nos. 167 & 168.* The Court will hold a status conference with those two parties on 18 April 2013 at 9:00 a.m. if indemnity is not resolved before then. The Court appreciates Falcon's attached January letter about the Ningbo issues. The settlement on all issues except indemnity should have been consummated by now. A joint motion to dismiss would be appreciated.

So Ordered.

  
\_\_\_\_\_  
D.P. Marshall Jr.  
United States District Judge

14 March 2013

January 25, 2013

Hon. D. Price Marshall  
United States District Judge  
600 West Capitol, Room B155  
Little Rock, AR 72201

Re: *Falcon v CEMSA, et al*  
USDC, Eastern District of Arkansas, Case No. 4:10-cv-00715-DPM

Dear Judge Marshall:

In response to the Court's inquiry in the text entry of January 22, 2013 (Docket No. 166), there is no need to assess damages against Ningbo Wanan. In the interest of a complete resolution of this case, Plaintiff will dismiss his claim against Ningbo Wanan after the settlement is finalized. We expect that to take place before the end of February, consistent with the Court's desire to resolve the case by then.

Thank you for your time and concern.

Sincerely,



J.G. "Gerry" Schulze  
Attorney at Law

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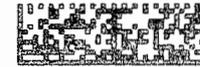
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Hon. D. Frico Marshall  
United States District Judge  
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**Received**  
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