

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

**DARRIN FALCON**

**PLAINTIFF**

**v.**

**Case No. 4:10-cv-715-DPM**

**CEM S.A.; MANCHESTER TANK &  
EQUIPMENT COMPANY; DOE  
CORPORATIONS 3-5; JOHN DOES  
1-50; METAL FUSION, INC.; and  
YOUNGDO IND. COMPANY LTD.**

**DEFENDANTS**

**CEM S.A.**

**THIRD-PARTY PLAINTIFF**

**v.**

**CINCINNATI  
INSURANCE COMPANY**

**THIRD-PARTY DEFENDANT**

**MANCHESTER TANK &  
EQUIPMENT COMPANY**

**CROSS CLAIMANT**

**v.**

**CEM S.A.**


**CROSS DEFENDANT**

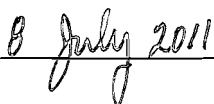
**ORDER**

For the reasons stated on the record at the 7 July 2011 hearing: Falcon's motion for reconsideration, *Document No. 61*, is denied as moot; CEM S.A.'s

motion for relief, *Document No. 62*, is granted: the depositions of CEM S.A. representatives should proceed as planned and agreed by video conference; CEM S.A.'s motion to stay its cross-claim and compel arbitration, *Document No. 69*, is denied as moot; and CEM S.A. and Manchester's joint motion for resolution, *Document No. 73*, is granted as amended: the evidentiary issues about indemnity are held in abeyance pending the close of discovery. Falcon's oral motion for leave to amend is also granted. Falcon may amend his complaint by adding Cincinnati Insurance Company and naming either or both of the other potentially responsible parties after the invasive testing is completed.

So Ordered.

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

  
\_\_\_\_\_  
8 July 2011