

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION

MAEOLA SMITH and  
DONNELL SMITH

PLAINTIFFS

v. No. 5:16-cv-283-DPM

GENERAL MOTORS COMPANY,  
an American Multinational Corporation;  
TAKATA CORPORATION, a Foreign  
Corporation; TK HOLDINGS, INC., a  
Foreign Corporation; and HIGHLAND  
INDUSTRIES, INC., a Foreign Corporation

DEFENDANTS

ORDER

This case is bogged down. Three motions need deciding to get things moving again.

1. TK Holdings and Highland's motion to dismiss is granted. The Smiths have failed to clarify through any of their many papers what, specifically, TK Holdings or Highland did or did not do. *No 21*. The Smiths assert multiple theories of liability but provide no facts linking either of these two defendants to Mrs. Smith's accident or her injuries. They have not succinctly stated a claim showing why they are plausibly entitled to relief against these two entities. FED. R. CIV. P. 8(a)(2); *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Taking the facts in the complaint as true, the case is still alive

against TK Holdings and Highland's related company, Takata. And if discovery reveals facts showing that these other entities were connected with any challenged parts of this Saturn, the Smiths can seek to add them back in. All claims against TK Holdings and Highland fail at this point without prejudice.

2. Plaintiffs' second motion to amend is granted with instructions and limitations. Revise the proposed third amended complaint, *No 28-2*, to eliminate TK Holdings and Highland as parties and to eliminate all claims against them. Revised third amended complaint due by 10 May 2017.

3. The amended motion to strike is denied without prejudice as moot. The Court has not considered the Hatton declaration, and could not do so without converting the motion to dismiss into one for summary judgment.

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Motion to dismiss, *No 24*, granted. TK Holdings, Inc., and Highland Industries, Inc., are dismissed without prejudice. Motion to amend again, *No 28*, granted with instructions and limitations. Third amended complaint due by May 10th. Amended motion to strike, *No 33*, denied without prejudice as moot.

So Ordered.

*D.P. Marshall Jr.*  
D.P. Marshall Jr.  
United States District Judge

*26 April 2017*