

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;
and TAKATA CORPORATION, a
Foreign Corporation

DEFENDANTS

ORDER

1. Though it is almost a year old, this case is stalled. The Court appreciates the status reports from the Smiths and Highland. *No* 38 & 39. The complaint was filed in September 2016, naming General Motors Company, Takata Corporation, TK Holdings, Inc., and Highland Industries, Inc. *No* 1. No one has ever appeared or responded for General Motors. Counsel for Highland, TK Holdings, and Takata Corporation appeared and sought an extension to respond. *No* 4. After much motion practice to clean up the complaint, the Court dismissed Highland and TK Holdings in April 2017. *No* 35.

2. **On Takata.** The Court notes that, in June 2017, TK Holdings filed for bankruptcy in the United States Bankruptcy Court for the District of

Delaware. *In re TK Holdings, Inc.*, No. 17-11375-BLS (Chapter 11). Takata Corporation made a similar filing in the same Court two months later. *In re Takata Corporation*, No. 17-11713-BLS (Chapter 15). Those cases continue. The Smiths have filed papers about service last fall, in October 2016 to be precise, on “Takata Restraint Systems Inc.” No. 39-1. This sounds like a Takata-related entity, but one that is not a named defendant in this case. Given the murky record on timely service, and the bankruptcy proceedings, the Court will dismiss Takata Corporation without prejudice unless the Smiths give reasons not to do so – with documentary support – by 31 August 2017.

3. On GM. The Smiths’ proof of service needs shoring up. The Smiths must promptly provide the Court with several things: a copy of the summons to GM; information from the Secretary of State about the registered agent in Arkansas for General Motors Company; and some document showing that the complaint *and* the summons were sent to GM. The Smiths should also address the apparent delivery of the General Motors mail to “CT Corporation,” rather than “The Corporation Company.” Status report on the GM service issues also due by 31 August 2017.

So Ordered.

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

22 August 2017