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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GALLO GLASS COMPANY

Plaintiff,

v.

SPECIAL SHAPES REFRACTORY
COMPANY, INC., and NIKOLAUS
SORG GMBH & COMPANY KG,

Defendants

Case No. 1:16-cv-01446 LJO-BAM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

(Doc. 55)

NIKOLAUS SORG GMBH &
COMPANY KG,

Cross-Claimant

v.

SPECIAL SHAPES REFRACTORY
COMPANY, INC.,

Cross-Defendant.

On September 17, 2018, the Magistrate Judge issued Findings and Recommendations that the motion for good faith settlement determination by Defendant/Cross-Claimant/Cross-Defendant, NIKOLAUS SORG GMBH & COMPANY KG's ("SORG") be granted. This Findings and Recommendation was served on all parties and contained notice that any objections were to be filed

1 within fifteen (15) days of the date of service of the order. No objections were filed.

2 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted a
3 *de novo* review of the case. Having carefully reviewed the file, the Court concludes that the
4 Magistrate Judge’s Findings and Recommendations is supported by the record and proper analysis.

5 Accordingly, **IT IS HEREBY ORDERED** that:

- 6 1. The Findings and Recommendations issued September 17, 2018, is ADOPTED IN
7 FULL;
- 8 2. The settlement between Nikloaus Sorg GMBH & Company KG and Gallo Glass
9 Company be found as made and entered into in good faith pursuant to Code Civ.
10 Proc. § 877.6(a)(1) and (c) and in accordance with *Tech-Bilt, Inc. v.*
11 *WoodwardClyde & Assoc.*, 38 Ca1.3d 488, 494 (1985);
- 12 3. Any party, person or entity is barred from maintaining or making any future
13 claim(s) against Nikloaus Sorg GMBH & Company KG for equitable comparative
14 contribution or for partial or complete comparative indemnity, under common law
15 or statute, or based upon principles of comparative negligence or comparative fault
16 based upon the claims at issue in this matter; and
- 17 4. The Cross-Claim filed with this Court by Special Shapes Refractory Company (Case
18 No.: 1:16-CV-01446-LJO-BAM) which alleges causes of action for Implied and
19 Equitable Indemnity, Contribution and Declaratory Relief against Nikloaus Sorg
20 GMBH & Company KG is hereby **DISMISSED WITH PREJUDICE**.

21 IT IS SO ORDERED.

22
23 Dated: November 16, 2018

/s/ Lawrence J. O’Neill
24 UNITED STATES CHIEF DISTRICT JUDGE