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Attorneys for Defendant
TEXAS EASTERN OVERSEAS, INC.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

AMERIPRIDE SERVICES, INC.,

Plaintiffs,

vs.

VALLEY INDUSTRIAL SERVICES, INC., a
former California corporation, et al.,

Defendants.

Case No. 2:00-CV-00113-LKK JFM

**TEO'S STATEMENT REGARDING
DISMISSAL OF ITS THIRD PARTY
COMPLAINT AGAINST UNIVAR USA,
INC. AND ORDER DISMISSING THE
UNIVAR COMPLAINT WITHOUT
PREJUDICE**

Courtroom: 26
Judge: Honorable Lawrence
K. Karlton
Trial Date: January 18, 2012
Complaint Filed: January 19, 2000

1 Defendant TEXAS EASTERN OVERSEAS, INC. ("TEO") submits this statement to
2 memorialize its prior request to dismiss without prejudice TEO's Third Party Complaint against
3 Univar USA, Inc. ("Univar").

4 In TEO's Separate Pretrial Statement and in the Pretrial Conference Order (Tentative),
5 TEO agreed that dismissal of the action against Univar was appropriate because the time limit to
6 serve the Complaint had passed. Dkt. 772 at 35; Dkt. 788 at 158. Pursuant to Federal Rules of
7 Civil Procedure Rule 4(m), the Court must dismiss the action. Rule 4(m) regarding the time
8 limit for service states, [i]f a defendant is not served within 120 days after the complaint is filed,
9 the court--on motion or on its own after notice to the plaintiff--must dismiss the action without
10 prejudice against that defendant or order that service be made within a specified time. But if the
11 plaintiff shows good cause for the failure, the court must extend the time for service for an
12 appropriate period." TEO and AmeriPride agree this action should be dismissed without
13 prejudice. Dkt. 788 at 158.

14 For these reasons, TEO respectfully requests that the Court enter an order dismissing
15 TEO's Third Party Complaint against Univar without prejudice.

16 Date: November 30, 2011


BASSI, EDLIN, HUIE & BLUM LLP

17 By: /s/ ERIN K. POPPLER

18 ERIN K. POPPLER
19 Attorneys for Defendant
20 TEXAS EASTERN OVERSEAS, INC.

21
22 **IT IS SO ORDERED.**

23 Dated: December 1, 2011

24
25 
26 LAWRENCE K. KARLTON
27 SENIOR JUDGE
28 UNITED STATES DISTRICT COURT

1 **Re: Ameripride Services Inc. v. Valley Industrial Services, Inc., et al.**
2 **United States District Court, Eastern District Case No. 2:00-CV-00113-LKK JFM**

3 **PROOF OF SERVICE – ELECTRONIC TRANSMISSION**

4 STATE OF CALIFORNIA/COUNTY OF San Francisco

5 I am a citizen of the United States and an employee in the County of San Francisco. I am
6 over the age of eighteen (18) years and not a party to the within action. My business address is
7 BASSI, EDLIN, HUIE & BLUM LLP, 500 Washington Street, Suite 700, San Francisco,
8 California 94111.

9 On the date executed below, I electronically served the document(s) via ECF File &
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11 ECF File & Serve website.

12 **TEO'S STATEMENT REGARDING DISMISSAL OF ITS THIRD PARTY COMPLAINT
13 AGAINST UNIVAR USA, INC. AND [PROPOSED] ORDER DISMISSING THE
14 UNIVAR COMPLAINT WITHOUT PREJUDICE**

15 On the following parties:

16 SEE SERVICE LIST LOCATED ON THE ECF WEBSITE

17 **X BY ELECTRONIC FILING:** I caused the above document to be served by ECF to the
18 following names on the service list provided by ECF, and;

19 I declare under penalty of perjury that the foregoing is true and correct and that this
20 document is executed on November 30, 2011, at San Francisco, California.

21 /s/ ADELA AREVALO

22 ADELA AREVALO