

1 Upon information and belief, the vehicle was designed, manufactured, distributed and sold by
2 Volvo Trucks North America, Inc. (VTNA) with component parts which were manufactured by
3 Consolidated Metco, Inc. and/or Amsted Industries, Inc. VTNA and Consolidated Metco, Inc. alleged
4 that Labrie and Wittke were responsible for the alleged defects in the vehicle.

5 Plaintiff seeks to amend the complaint pursuant to Rule 15(a)(2) of the Federal Rules of Civil
6 Procedure. The proposed Third Amended Complaint is attached as Exhibit "1" and is incorporated
7 herein as if copied *in extenso*. The sole reason for amending the Complaint, the First Amended
8 Complaint and the Second Amended Complaint is to address the recent allegation by Labrie and Wittke
9 regarding the fault of FEDERAL SIGNAL CORPORATION.

10 Counsel for plaintiff has contacted Matt F. Cohen, counsel for VTNA, Anthony E. Sonnett,
11 counsel for Amsted Industries, Inc. and Consolidated Metco, Inc., and Lisa Feramisco, counsel for
12 Wittke and Labrie regarding this motion. Counsel for VTNA has advised that his client does not oppose
13 the motion. Counsel for Amsted Industries, Inc. and Consolidated Metco, Inc. has advised that his
14 clients do not oppose the motion. Counsel for Wittke and Labrie has advised that her clients do not
15 oppose the motion.

16
17 Dated: February 28, 2011

BOXER & GERSON, LLP

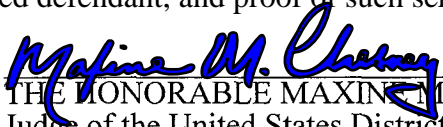
18 By: 

GARY B. ROTH
Attorneys for Plaintiff
RAYMOND P. MARIOLLE

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21 **ORDER**

22 IT IS ORDERED that Regina Lynn Mariolle may file the Third Amended Complaint provided
23 said Third Amended Complaint is filed no later than March 7, 2011 and further provided service
24 thereof is accomplished as to the newly-named defendant, and proof of such service filed, no later than

April 18, 2011.
DATED: March 3, 2011


THE HONORABLE MAXINE M. CHESNEY
Judge of the United States District Court