

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PERFORMANCE CONTRACTING, INC.,
Plaintiff,
v.
ENGINEERED WALL SYSTEMS, INC.,
Defendant,
v.
TOP NOTCH COLLISION, LLC,
Third Party Defendant.

Case No. [15-cv-05245-RS](#)

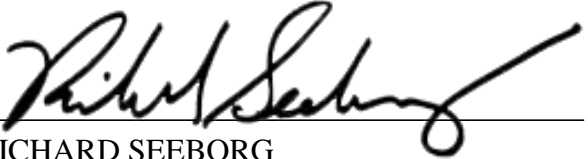
ORDER DENYING AS MOOT THIRD-PARTY DEFENDANT TOP NOTCH COLLISION, LLC'S MOTION TO DISMISS

Defendant Engineered Wall Systems, Inc., (“EWS”) has filed a first amended third-party complaint against Top Notch Collision, LLC, advancing three claims for relief. In lieu of filing an answer, Top Notch filed a motion to dismiss EWS’s first claim for relief for express indemnification. Since then, the parties have stipulated to dismiss that claim without prejudice. Accordingly, Top Notch’s motion to dismiss EWS’s first claim for relief is denied as moot. Top Notch must file a responsive pleading to the first amended third-party complaint by March 21, 2016.

IT IS SO ORDERED.

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Dated: March 1, 2016


RICHARD SEEBORG
United States District Judge