

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

EARL JANIS, JR. and	)	
TONI JANIS,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 17-167-MN-SRF
	)	
A.W. CHESTERTON, INC., et al,	)	
	)	
Defendants.	)	

**REPORT AND RECOMMENDATION FOR ORDER OF DISMISSAL**

WHEREFORE, on January 17, 2019 and January 18, 2019, the court issued Reports and Recommendations which recommended granting moving defendants’ motions for summary judgment<sup>1</sup> (D.I. 136; D.I. 137);

WHEREFORE, on February 1, 2019 and February 4, 2019, District Judge Noreika adopted the Reports and Recommendations granting the motions for summary judgment and entered judgment as a matter of law in favor of the moving defendants (D.I. 140; D.I. 146);

WHEREFORE, three defendants remain active on the docket: Georgia Pacific LLC, Grinnell LLC, and Metropolitan Life Insurance Company.

WHEREFORE, Grinnell LLC and Metropolitan Life Insurance Company have not filed their appearances;

WHEREFORE, Georgia Pacific LLC filed a notice of bankruptcy and stay of proceedings on November 14, 2017 (D.I. 56);

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<sup>1</sup> The moving defendants were as follows: FMC Corporation, Warren Pumps, LLC, Ingersoll Rand Co., Armstrong International, Inc., CBS Corporation, CertainTeed Corporation, DAP, Inc., and Union Carbide Corporation. (D.I. 100; D.I. 102; D.I. 104; D.I. 107; D.I. 109; D.I. 111; D.I. 113; D.I. 114)

WHEREFORE, the court ordered that, on or before August 15, 2019, plaintiffs were to show cause why the Complaint should not be dismissed with prejudice as to the remaining defendants, Georgia Pacific LLC, Grinnell LLC, and Metropolitan Life Insurance Company (D.I. 159); and

WHEREFORE, plaintiffs have not filed a response to the Order to Show Cause to date.

IT IS HEREBY RECOMMENDED THAT the Complaint should be dismissed with prejudice as to the remaining defendants, Georgia Pacific LLC, Grinnell LLC, and Metropolitan Life Insurance Company, pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute claims against those remaining defendants and failure to respond to the Order to Show Cause.

Dated: August 20, 2019

  
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Sherry R. Fallon  
UNITED STATES MAGISTRATE JUDGE