

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

MICHAEL R. HARDING, and	)	
SALLY HARDING, his wife,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 17-251-MN-SRF
	)	
A.O. SMITH CORPORATION, et al.,	)	
	)	
Defendants.	)	

**REPORT AND RECOMMENDATION FOR ORDER OF DISMISSAL**

WHEREFORE, on January 22, 2019, the court issued a Report and Recommendation which recommended granting moving defendants’ motions for summary judgment<sup>1</sup> (D.I. 212);

WHEREFORE, on January 22, 2019, the court issued a Report and Recommendation which recommended denying-in-part and granting-in-part the motion for summary judgment filed by defendant Marley-Wylain Company (“Marley-Wylain”) (D.I. 168; D.I. 213);

WHEREFORE, on February 6, 2019, District Judge Noreika adopted the Reports and Recommendations granting the moving defendants’ motions for summary judgment and granting-in-part Marley Wylain’s motion for summary judgment (D.I. 214; D.I. 227);

WHEREFORE, Georgia Pacific LLC is the only defendant remaining on the docket; and

WHEREFORE, Georgia Pacific LLC filed a notice of bankruptcy and stay of proceedings on November 14, 2017 (D.I. 115);

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<sup>1</sup> The moving defendants were as follows: A.O. Smith Corporation, Air & Liquid Systems Corp., Burnham LLC, Crosby Valve LLC, DAP Products, Inc., Dominion Nuclear Connecticut, Inc., Foster Wheeler LLC, Gardner Denver, Inc., Rheem Manufacturing Company, Slant/Fin Corporation, Spirax Sarco, Inc., and Superior Boiler Works, Inc. (D.I. 142; D.I. 144; D.I. 145; D.I. 151; D.I. 155; D.I. 157; D.I. 159; D.I. 161; D.I. 163; D.I. 164; D.I. 166; D.I. 170)

WHEREFORE, the court ordered that, on or before December 9, 2019, plaintiffs were to show cause why the Complaint should not be dismissed with prejudice as to Georgia Pacific LLC (D.I. 241); 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 Georgia Pacific LLC pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute claims against Georgia Pacific LLC and failure to respond to the Order to Show Cause.

Dated: December 10, 2019

  
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Sherry R. Fallon  
UNITED STATES MAGISTRATE JUDGE