## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS

WALTERS METAL CORPORATION,	
Plaintiff,	
VS.	Case No. 13-cv-1271-SMY
UNIVERSAL AM-CAN, LTD., THE MASON AND DIXON LINES, INCORPORATED, SLIDE-N-RIDE TRUCKING, INC., J & D TRUCKING, INC., JC PILOT CAR SERVICE, CAROLYN SCHAFFER, J.D. DELANEY and CAREN RUTH VINSON,	
Defendants.	
WALTERS METAL CORPORATION,	
Plaintiff,	
VS.	Case No. 15-cv-51-SMY-DGW
CARLA HENDRIX, ED HENDRIX, EMERALD EQUIPMENT ESCORTS LLC, SLIDE-N-RIDE TRUCKING, INC., J & D TRUCKING, INC., CAREN RUTH VINSON, J.D. DELANCY, MELINDA HILLENBERG and CURTIS WELLS,	
Defendants.	

## AMENDED MEMORANDUM AND ORDER

This matter comes before the Court on defendants J.D. Delancy, J & D Trucking, Inc.,

Slide-N-Ride Trucking, Inc., and Caren Ruth Vinson's (collectively "Defendants") Motion for

Summary Judgment (Doc. 97). In its Amended Complaint (Doc. 19), Plaintiff alleged Carmack

Amendment claims against each Defendant. Defendants argue they are entitled to judgment as a

matter of law as to those claims because they cannot be held liable under the Carmack Amendment. The Carmack Amendment applies only to motor carriers or freight forwarders -Defendants are neither. *See* 49 U.S.C. § 14706.

Pursuant to Local Rule 7.1, the Court construes Plaintiff's failure to timely file a response to Defendants' motion as an admission of its merits. Accordingly, the motion is **GRANTED**. Counts III, VIII, IX and X of Plaintiff's Amended Complaint are **DISMISSED with prejudice**. The Clerk of Court is directed to enter judgment accordingly at the close of this case. Plaintiff's Motion to Dismiss (Doc. 107) is **DENIED** as moot.

IT IS SO ORDERED.

**DATED:** July 30, 2015

<u>s/ Staci M. Yandle</u> STACI M. YANDLE DISTRICT JUDGE