

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION  
CIVIL ACTION NO. 3:15-CV-838-JHM-CHL**

**JOE MUELLER,**

**Plaintiff,**

v.

**84 LUMBER COMPANY, LIMITED PARTNERSHIP,**

**Defendant.**

**MEMORANDUM OPINION AND ORDER**

Defendant 84 Lumber Company, Limited Partnership (“Defendant”) has filed a motion for leave to file a third-party complaint (DN 13). Plaintiff Joe Mueller (“Plaintiff”) has not filed a response. *See* LR 7.1(c) (“Failure to timely respond to a motion may be grounds for granting the motion.”). The motion is ripe for review.

Pursuant to Rule 14 of the Federal Rules of Civil Procedure, a defendant “may, as a third-party plaintiff, serve a summons and complaint on a nonparty who is or may be liable to it for all or part of the claim against it.” Fed. R. Civ. P. 14(a)(1). A defendant must move for leave of court to file a third-party complaint if more than 14 days have elapsed since the defendant served its answer. *Id.* As more than 14 days have elapsed since Defendant filed its answer to Plaintiff’s complaint in state court, Defendant has sought the Court’s permission to file a third-party complaint.

Defendant seeks to file a third-party complaint against BLS Trucking Company (“BLS Trucking”), Plaintiff’s alleged employer at the time of the incident that underlies this case. Defendant avers that its third-party complaint arises from the subject matter of this action and that BLS Trucking may be liable for all or part of the claims made by Plaintiff against Defendant. (*See* DN 13.) Defendant has filed a proposed third-party complaint and summons.

(DN 13-1, 13-3.) The Court has reviewed the proposed third-party complaint and finds that it is proper under Rule 14. Defendant clearly alleges that BLS Trucking is liable for the claims asserted by Plaintiff against Defendant. (*See generally* DN 13-1.) Plaintiff apparently does not oppose the filing of the third-party complaint.

Accordingly, IT IS HEREBY ORDERED that Defendant's motion for leave to file a third-party complaint (DN 13) is **GRANTED**. The Clerk of Court is directed to file the proposed third-party complaint (DN 13-1) as a new docket entry and to issue summons (DN 13-3) thereon.

cc: Counsel of record