

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MIRANDA RAYBURN,)
)
Plaintiff,)
)
vs.) Case No. 4:12-CV-1410 (CEJ)
)
LEZGI MOTORS, INC., et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on the motion of defendant ATN Express, Inc. for leave to file cross-claims for indemnity against its co-defendants Lezgi Motors, Inc. and Zamir Kurbanaliev. The co-defendants have responded in opposition, and the issues are fully briefed.

This action arises from a motor vehicle collision between plaintiff's car and a tractor-trailer driven by Kurbanaliev. In her third amended complaint, plaintiff alleges that Kurbanaliev was driving in his capacity as the owner of, and driver for, the shipping corporation Lezgi Motors, Inc. (Lezgi). Plaintiff also alleges that, at the time of the accident, the tractor-trailer was leased by another shipping corporation, ATN Express, Inc. (ATN). Kurbanaliev was hauling a trailer owned by ATN, and was en route to pick up a load of freight for ATN. Plaintiff's allegations regarding the lease agreement and the relationship between the three defendants were added in her third amended complaint.

ATN now moves for leave to file cross-claims against Lezgi and Kurbanaliev, seeking indemnity should it be held liable. Lezgi and Kurbanaliev argue that ATN's motion comes long after the March 2013 deadline for amending pleadings and adding parties, and ATN has not shown good cause for the delay. However, as ATN points

out, plaintiff's relatively recent amendments to her complaint included new allegations concerning the relationship between ATN and the other defendants. Due to the dissolution of ATN and the unavailability of corporate officers and employees, a complete picture of the relationship between defendants --- and any potential claims for indemnity arising therefrom --- has recently emerged. This constitutes good cause justifying ATN's delay.

Lezgi and Kurbanaliev also protest that they will be prejudiced by the delay in adding cross-claims, because their opportunity to conduct discovery on those claims is limited by the impending close of discovery. The claims for indemnity do not appear to raise issues different from those already at play in this case. However, to cure any potential prejudice, the Court will extend the discovery deadline by two weeks.

Finally, the Court notes that allowing cross-claims for indemnity furthers the interests of efficiency and judicial economy, by allowing all issues to be resolved as swiftly as possible through a single action, rather than piecemeal.

Accordingly,

IT IS HEREBY ORDERED that the motion of defendant ATN Express, Inc. for leave to file cross-claims against defendants Kurbanaliev and Lezgi Motors, Inc. [Doc. #86] is granted.

IT IS FURTHER ORDERED that all discovery in this case shall be completed by April 28, 2014.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 14th day of April, 2014.