

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOHN C. KITCHIN, JR., et al.,)
on behalf of themselves and all others)
similarly situated,)

Plaintiffs,)

v.)

BRIDGETON LANDFILL, LLC,)
et al.,)

Defendants;)

No. 4:18 CV 672 CDP

BRIDGETON LANDFILL, LLC,)

Third-Party Plaintiff,)

v.)

COTTER CORPORATION, N.S.L.,)

Third-Party Defendant.)

MEMORANDUM AND ORDER

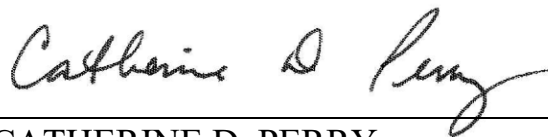
This case is presently stayed pending the United States Supreme Court’s decision on a petition for writ of certiorari filed in a related action, *Banks, et al. v. Cotter Corp., et al.*, Case No. 4:20CV1227 JAR (E.D. Mo.); *In re Cotter Corp. (N.S.L.)*, 22 F.4th 788 (8th Cir. 2022). Defendants Bridgeton Landfill, LLC, Allied Services, LLC, and Republic Services, Inc., have now provided notice to the Court

of their withdrawal of their Motion for Judgment on the Pleadings, which they filed in this case in April 2022. Third-party defendant Cotter Corporation, N.S.L., had joined in that motion. (*See* ECF 96.) With the defendants' withdrawal of their motion, there is now no motion for Cotter Corporation to join. I will give Cotter Corporation an opportunity to file its own independent motion after the stay in this action is lifted.

Accordingly,

IT IS HEREBY ORDERED that defendants Bridgeton Landfill, LLC, Allied Services, LLC, and Republic Services, Inc.'s Motion for Judgment on the Pleadings [94] and accompanying Memorandum in Support [95] are **WITHDRAWN**.

IT IS FURTHER ORDERED that third-party defendant Cotter Corporation, N.S.L., may file an independent Motion for Judgment on the Pleadings within five (5) days of the stay being lifted in this case. No such motion shall be filed while the stay remains in effect.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 26th day of July, 2022.