

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JEFFREY D. CULP, )  
)  
Plaintiff, )

4:08CV3197

v. )

ARCHER-DANIELS-MIDLAND )  
COMPANY, a Delaware )  
Corporation, JACOBS FIELD )  
SERVICES NORTH AMERICA, )  
INC., a Texas Corporation, )  
STAINLESS FABRICATION, INC., )  
a Missouri Corporation, and FAGEN, )  
INC., a Minnesota Corporation, )  
Defendants. )

MEMORANDUM AND ORDER

Defendant Archer-Daniels-Midland Company has moved to amend its answer to add cross claims against defendant Jacobs Field Services North American Inc. Filing No. [81](#). The deadline for filing any opposition to Archer-Daniels-Midland’s motion has expired. The co-defendants have not responded to the motion, and although the plaintiff filed a Motion to Strike the Motion for Leave to File Cross Claims, (filing no. [87](#)), he has now filed a motion to withdraw the motion to strike. Filing No. [91](#). Accordingly, defendant Archer-Daniels-Midland’s motion to file an amended answer and cross claims against Jacobs is deemed unopposed. Accordingly,

IT IS ORDERED:

- 1) The plaintiff’s motion to withdraw, (filing no. [91](#)), is granted, and the plaintiff’s Motion to Strike the Motion for Leave to File Cross Claims, (filing no. [87](#)), is denied as moot.

- 2) Defendant Archer-Daniels-Midland Company's motion to file an Amended Answer to Second Amended Complaint and Cross Claims, (filing no. [81](#)), is granted.
- 3) On or before November 20, 2009, defendant Archer-Daniels-Midland Company shall file its Amended Answer to Second Amended Complaint and Cross Claims, a copy of which is attached to its motion.

DATED this 16<sup>th</sup> day of November, 2009.

BY THE COURT:

*Richard G. Kopf*  
United States District Judge