

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

STATE FARM FIRE & CASUALTY  
COMPANY, A Corporation, as a subrogee  
of Rose Bowl Playhouse, Inc.;

Plaintiff,

vs.

CARQUEST CORPORATION,  
FRANKLIN AUTO PARTS, LLC, ATD  
TOOLS, INC., SMART DECISION  
TRADING, LTD, SUZHOU GEWEI  
ELECTRIC APPLIANCE CO., LTD,

Defendants.

**4:13CV3192**

**MEMORANDUM AND ORDER**

IT IS ORDERED:

- 1) The parties' stipulation, (Filing No. 25), is granted as follows:
  - a. Plaintiff's Count II "Strict Liability" claim is voluntarily dismissed without prejudice against the defendants ADT Tools, Inc., Carquest Corporation, and Franklin Auto Patts, L.L.C. d/b/a Carquest Auto Parts #5776.
  - b. Plaintiff is granted leave to file an amended complaint. The amended complaint shall be filed on or before February 14, 2014.
- 2) Defendant ADT's motion to dismiss, (Filing No. 22), is denied a moot.

February 4, 2014.

BY THE COURT:

*s/ Cheryl R. Zwart*  
United States Magistrate Judge