



1 motion and to re-submit the motion for hearing on April 19, 2012. As such, the Court finds that  
2 the Kishner Defendants' Motion for Order to Show Cause (#768) is withdrawn. The Court  
3 orders the parties to re-file the motion before the hearing scheduled on April 19, 2012.

4 **II. Ted Wiens's Motion for Clarification and/or Correction of Oversight or Omission**  
5 **Pursuant to F.R.C.P. 60(a) (#860)**

6 Third-party defendant So. Nev. T.B.A. Supply Co., dba Ted Wiens Tire & Auto Centers  
7 ("Ted Wiens") files a motion for clarification and/or correction of oversight or omission pursuant  
8 to Federal Rule of Civil Procedure 60(a). (Mot. for Clarification (#860) at 1). Ted Wiens seeks  
9 clarification of this Court's July 26, 2011 and December 7, 2011 orders whereby the Court  
10 acknowledged that Ted Wiens had filed joinders to certain motions or oppositions to motions  
11 but did not expressly state that the relief granted applied to Ted Wiens as well. (*Id.* at 4). Ted  
12 Wiens also files a notice of non-opposition. (Non-Opp'n (#880) at 3). Ted Wiens notes that  
13 no parties filed an opposition to its motion for clarification and that, pursuant to Local Rule  
14 7-2(d), the Court should grant its motion. (*Id.*).

15 On July 26, 2011, this Court entered an order granting third-party defendant Sears  
16 Roebuck & Co.'s motion to dismiss (#470) without leave to amend. (Order (#791) at 2). In  
17 that order, the Court acknowledged that Ted Wiens had filed a joinder to the motion to  
18 dismiss. (*Id.* at 1). On December 7, 2011, this Court entered an order denying the Kishner  
19 Defendants' motion for reconsideration of the Court's order granting Sears's motion to dismiss.  
20 (Order (#832) at 2-4). In that order, the Court acknowledged that Ted Wiens had filed a  
21 joinder to Sears's opposition to the motion for reconsideration. (*Id.* at 3).

22 The Court grants Ted Wiens's motion for clarification because the orders and the notice  
23 of non-opposition support a finding that both orders dismissed, with prejudice, any pending  
24 third-party plaintiff claims against Ted Wiens. As such, the Court grants the motion for  
25 clarification (#860).

26 **CONCLUSION**

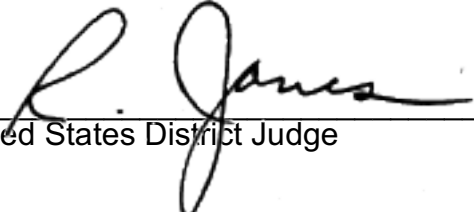
27 For the foregoing reasons, IT IS ORDERED that the Kishner Defendants' Motion for  
28 Order to Show Cause Why Defendant Shapiro Brothers Investment Co. Should Not Be Held

1 in Contempt for Violating Permanent Injunction (#768) is WITHDRAWN. The parties are  
2 ordered to re-file the motion before the hearing scheduled on April 19, 2012.

3 IT IS FURTHER ORDERED that Ted Wiens's Motion for Clarification and/or Correction  
4 of Oversight or Omission Pursuant to F.R.C.P. 60(a) (#860) is GRANTED.

5 DATED: This 14th day of March, 2012.

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United States District Judge