

1 and ending on October 10, 2009, Premier electronically submitted certified payroll reporting to the
2 Nevada Department of Transportation showing that the employee contributions had been made, when
3 in fact, they had not. *Id.*

4 **Motion To File Third-Party Complaint**

5 In the present motion, defendant RHB seeks leave of the court to file a third-party complaint
6 against Edith Martinez, asserting that she may be liable to RHB for express contractual indemnity,
7 *Reyburn Lawn & Landscaping Designers, Inc. v. Plaster Development Company, Inc.*, 127 Nev. Adv. Op.
8 26, 255 P.3d 268, 274-76 (2011), implied indemnity, *The Doctor's Company v. Vincent*, 120 Nev. 644,
9 650-51, 98 P.3d 681, 686 (2004), or fraud, *Bernard v. Rockhill Development Company*, 103 Nev. 132,
10 135, 734 P.2d 1238, 1240 (1987). (#15 and #15-1 Proposed Third Party Complaint).

11 Pursuant to Federal Rule of Civil Procedure 14(a)(1), “[a] defending party may, as third-party
12 plaintiff, serve a summons and complaint on a nonparty who is or may be liable to it for all or part of
13 the claim against it. But the third-party must, by motion, obtain the court’s leave if it files the third-
14 party complaint more than 14 days after serving its original answer.” Defendant RHB filed its answer
15 on November 2, 2011 (#10), and filed the instant motion on January 25, 2012 (#15). Thus, defendant
16 RHB was required to seek leave of the court to file a third-party complaint. *See* Fed. R. Civ. P. 14(a)(1).

17 As defendant RHB is asserting that Edith Martinez may be liable for all or part of the claim
18 against it, the court will permit RHB to file a third-party complaint against Edith Martinez. *Id.*

19 Accordingly, and for good cause shown,

20 IT IS ORDERED that defendant Road and Highway Builders, LLC's Motion For Leave To File
21 Third Party Complaint (#15) is GRANTED. Defendant RHB shall file and serve its third-party
22 complaint within 14 days from the entry of this order.

23 DATED this 16th day of February, 2012.

24 

25 **CAM FERENBACH**
26 **UNITED STATES MAGISTRATE JUDGE**