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 Attorney for Defendant,
 5 RJW Transport, Inc.

6 UNITED STATES DISTRICT COURT
 7 DISTRICT OF NEVADA

8 JRS USA, INC.
 9 Plaintiff,

CASE NO. 2:15-cv-00707-APG-CWH

10 vs.

11 RJW TRANSPORT, INC., DOES I
 12 THROUGH V; AND ROE entities I
 through V, inclusive
 13 Defendants.

14 **STIPULATION AND ORDER TO FILE AN AMENDED COMPLAINT**
 15 **AND**
 16 **ENLARGE TIME FOR DEFENDANT TO FILE A RESPONSE**

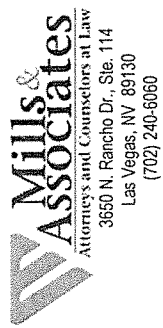
17 COME NOW the parties Plaintiff JRS USA, Inc. by and through its counsel of
 18 records, Janet Trost, Esq. and Defendant RJW Transport, Inc., by and through its
 19 counsel of record Michael C. Mills, Esq. of the law firm of Mills & Associates and hereby
 20 agree and stipulate that:

21 WHEREAS Defendant RJW Transport, Inc. is a motor carrier licensed by the
 22 Federal Motor Carrier Safety Administration and the U.S. Department of Transportation
 to operate in interstate commerce; and,

23 WHEREAS Defendant RJW Transport, Inc. is authorized to transport cargo "For
 24 Hire" in interstate commerce; and,

25 WHEREAS the Carmack Amendment to the Interstate Commerce Act provides
 26 the exclusive remedy for shippers to recover from interstate motor carriers for loss or
 27 damage to goods in transit; and,
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JRS USA, Inc. v. RJW Transport Inc.

CASE NO. 2:15-cv-00707-APG-CWH

WHEREAS Plaintiff's Complaint alleges that it placed its goods in Defendant's control for shipment and thereafter the goods were lost; and,

WHEREAS Plaintiff's Complaint alleges Causes of Action for Breach of Contract, Breach of Implied Covenant of Good Faith and Fair Dealing and Negligence; and,

WHEREAS each of these causes of action is pre-empted under the Carmack Amendment; and,

WHEREAS Plaintiff's Complaint does not state a cause of action under the Carmack Amendment; and,

WHEREAS Plaintiff's Complaint was served on Defendant on April 6, 2015 and that an Answer to the Complaint is due on April 27, 2015;

THEREFORE, IT IS HEREBY STIPULATED that Plaintiff JRS USA, Inc. may have until May 26, 2015 to prepare and file an Amended Complaint alleging the Carmack Amendment as its sole Cause of Action; and

IT IS FURTHER STIPULATED that Defendant may have to and including 20 days from the filing of the Amended Complaint to Answer or otherwise plead to the Complaint.

Dated: April 24th 2015.

Dated: April 24th 2015.

JANET TROST LAW FIRM

MILLS & ASSOCIATES

/s/ Janet Trost

/s/ Michael C. Mills

JANET TROST, ESQ.
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Las Vegas, Nevada 89106
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JRS USA, Inc.

MICHAEL C. MILLS, ESQ.
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Attorney for Defendant,
RJW Transport, Inc.

ORDER

IT IS SO ORDERED.

DATED: April 27, 2015


United States Magistrate Judge

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