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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

CARRA OTTO, AS THE SURVIVING SPOUSE OF RICHARD OTTO, AND CARRA OTTO AS THE ADMINISTRATRIX OF THE ESTATE OF RICHARD OTTO,

Plaintiffs,

v.

REFACCIONES NEUMATICAS LA PAZ, S.A., DE C.V.,

Defendant.

Case No. 3:16-cv-00451-MMD-WGC

ORDER

AND ALL RELATED CASES

This is a products liability case. The purpose of this order is to ascertain the status of certain ancillary claims.

The Court first addresses Refacciones Neumaticas La Paz, S.A. DE C.V. ("RNP")'s cross-claims for contribution and indemnification it filed against F & H Mine Supply ("F & H") and Mid-Western, LLC. (ECF No. 88 at 8-11.) The status of these cross-claims is unclear to the Court (ECF Nos. 164 and 180 do not explicitly state that RNP is dismissing its cross-claims against F & H and Mid-Western, LLC, but they do say those parties are dismissed, and RNP's counsel signed ECF No. 179), so the Court will direct RNP to file a status report about them.

Next, the Court notes it granted the parties' stipulation of dismissal of claims against F & H on May 9, 2019. (ECF No. 164.) But on February 2, 2017, F & H filed a third party complaint against International Mine Supply, Inc. ("International Mine") (ECF No. 33), who had filed bankruptcy in June 2016 (ECF No. 37). F & H recognized that the automatic stay applied (ECF No. 41) and took no further action with respect to the third party complaint.

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It is therefore ordered that F & H must file a status report within ten days as to the status of International Mine's bankruptcy and whether it intends to seek to lift the automatic stay. F & H's failure to file a timely status report will result in dismissal of its third party complaint against International Mine.

It is further ordered that RNP must file a status report with the Court within ten days regarding its cross-claims against F & H and Mid-Western, LLC, including whether RNP intends to pursue them. RNP's failure to timely respond to this order will result in dismissal of these cross-claims.

DATED THIS 25th day of February 2020.



MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE