

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:
NEW YORK WHEEL OWNER LLC, et al., :
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Plaintiffs, :
:
-v- :
:
MAMMOET HOLDING B.V., et al., :
:
Defendants. :
:
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17-CV-4026 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

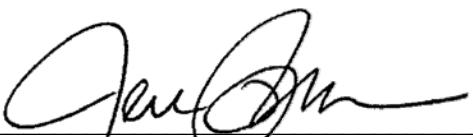
The third-party complaint was dismissed by the Court’s Order of May 11, 2018, *see* ECF No. 188, and it was not reinstated by the Court’s Order of August 27, 2019, *see* ECF No. 211. Were there any doubt, it would be resolved by the fact that Mammoet-Starneth LLC is no longer a Defendant in this action. Thus, it could not assert the third-party claims with respect to which Mammoet USA North, Inc. (“MUSA”) seeks to substitute itself. *See* Fed. R. Civ. P. 14(a)(1). Accordingly, MUSA’s motion to substitute is DENIED.

That said, the Court concludes that, in light of the state of the case and the arguable confusion caused by its procedural history, MUSA should be given leave to amend to file a new third-party complaint. It shall do so no later than **February 3, 2020**.

The Clerk of Court is directed to terminate ECF No. 234.

SO ORDERED.

Dated: January 14, 2020  
New York, New York




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JESSE M. FURMAN  
United States District Judge