

defendant; and (4) whether the proposed third-party complaint states a claim upon which relief can be granted.” *Satterfield v. Maldonado*, No. 14 Civ. 627 (JCF), 2014 WL 4828860, at *3 (S.D.N.Y. Sept. 19, 2014) (quoting *Fashion-in-Prints, Inc. v. Salon, Marrow & Dyckman, L.L.P.*, No. 97 Civ. 340 (DC), 1999 WL 500149, at *6 (S.D.N.Y. July 15, 1999)).

These factors all weigh in favor of granting Defendants’ motion. There is no indication that Defendants engaged in deliberate delay in filing this motion. Instead, Defendants sought a timely extension of the deadline by which to file this motion in order to identify the alleged manufacturers. (Dkt. 16.) Plaintiff’s argument to the contrary, Dkt. 29 at 3-4, is unavailing. As for the second factor, Plaintiff concedes that granting this motion “would not complicate the trial.” (*Id.* at 4.) Although Plaintiff argues it would unduly delay trial, the Court finds that any added delay is outweighed by the benefits of judicial economy. Third, nothing suggests that Vitality Foodservice, Inc. and Seda North America, Inc. would be prejudiced. Finally, the proposed third-party complaint alleges facts, which, if true, suggest there may be a claim upon which relief can be granted.

For these reasons, the Court grants Defendants’ motion for leave to file a third-party complaint and for leave to serve a third-party summons and complaint upon non-parties Vitality Foodservice, Inc. and Seda North America, Inc.

The Clerk of Court is respectfully directed to terminate the motions pending at Docket Numbers 24 and 28.

SO ORDERED.

Dated: February 15, 2021
New York, New York



JOHN P. CRONAN
United States District Judge