

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:12-CV-00620-BR

JANE E. MILLER, Personal )  
 Representative of the Estate of Robert )  
 Wesley Miller, Deceased, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 3M COMPANY a/k/a MINNESOTA )  
 MINING MANUFACTURING CO, et al., )  
 )  
 Defendants. )

**ORDER**

This matter is before the court on plaintiff's motion to stay the pretrial conference. (DE # 431.)

Plaintiff represents in her motion that she "has resolved her case with defendants" and "that the remaining defendants prevailed on motions for summary judgment." However, the court's records indicate that plaintiff's claims against defendants 3M Company, General Electric Company, Metropolitan Life Insurance Company, Navistar, Inc., IMO Industries, Inc., and Yarway Corporation have neither been disposed of by joint motion to dismiss, by stipulation of dismissal, nor by motion for summary judgment.<sup>1</sup>

Because of plaintiff's representation, the court DIRECTS that any party who contends that a claim (including any counterclaim or crossclaim) has not been disposed of and who wishes to pursue or defend such claim shall file notice with the court of such claim on or before 27 August 2014. **After that date, if no notice is filed, the court will dismiss without prejudice any claim remaining.** Plaintiff's motion to stay is ALLOWED. The Clerk is DIRECTED to remove this case from the pretrial conference and trial

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<sup>1</sup>Plaintiff and defendant IMO Industries, Inc.'s motion to dismiss is pending. Also, defendant Yarway Corporation has filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code.

calendars until further order of the court.

This 13 August 2014.



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W. Earl Britt  
Senior U.S. District Judge