

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:12 CV 360**

**RALPH O’NEIL STARNES and BETTY)
STARNES, spouse,)
)
Plaintiffs)
)
v)
)
A.O. SMITH CORPORATION, et al,)
)
Defendants)**

ORDER

THIS MATTER has come before the undersigned based upon a review of the filings in this matter and further based upon a Certification and Report of F.R.C.P. 26(f) Conference and Discovery Plan (#283). A review of the pleadings in this matter shows that the following defendants have not filed an Answer or responsive pleading to the Plaintiffs’ Amended Complaint:

- Converse, Inc.
- Flowserve Corporation
- Flowserve US, Inc.
- IMO Industries, Inc.
- Sears, Roebuck and Co.

A further review shows that various defendants have been voluntarily dismissed, but are still reflected as defendants in the caption in this matter. The undersigned will order that the Plaintiffs advise the Court as to whether or not

service has been obtained on the defendants named above and if so, the Plaintiffs shall further respond as to why they have not filed motions for entry of default against those defendants. The Plaintiffs will further be required to file an amended caption showing all active parties-defendant in this matter.

ORDER

IT IS, THEREFORE, ORDERED the Plaintiffs, on or before **September 6, 2013** shall advise the Court as to whether or not service has been obtained on the defendants named above. The Plaintiffs shall further respond as to why they have not filed motions for entry of default against those defendants and it is further **ORDERED** that the Plaintiffs file an amended caption showing all active parties-defendant in this matter.

Signed: August 16, 2013



Dennis L. Howell
United States Magistrate Judge

