

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:16-cv-00310-MR-WCM**

**ROBERT A. MULLINAX, Individually, )  
as Executor of the Estate of Jack )  
Junior Waugh, Deceased, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
**ADVANCE AUTO PARTS, INC., et al., )  
 )  
Defendants. )  
\_\_\_\_\_ )****

**ORDER**

**THIS MATTER** is before the Court *sua sponte*.

On November 18, 2018, a mediation report was filed in this case advising that the Plaintiff had reached settlement agreements with, *inter alia*, Defendants Daniel International Corporation, Flowserve US Inc., Fluor Constructors International, Fluro Constructors International, Inc., Fluor Daniel Services Corporation, Fluor Enterprises, Inc., and Union Carbide Corporation, leaving Covil Corporation as the sole remaining Defendant for trial. [Doc. 374]. The parties were advised that an agreement for entry of judgment or a stipulation of dismissal had to be filed within 30 days or the case would be dismissed without prejudice. [Docket Entry dated Nov. 30, 2018].

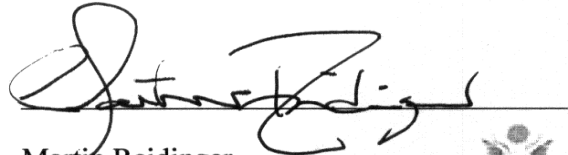
On December 18, 2018, the Plaintiff and Covil Corporation reported to the Court that they had reached a settlement. The parties were advised that an agreement for entry of judgment or a stipulation of dismissal had to be filed within 45 days or the case would be dismissed without prejudice. [Docket Entry dated Dec. 18, 2018]. On January 29, 2019, the Plaintiff and Covil sought an extension of time of 30 days to file a stipulation of dismissal [Doc. 450], which the Court granted the same day [Text-Only Order dated Jan. 29, 2019]. More than 30 days have now passed, however, and the parties have not filed an agreement for entry of judgment or a stipulation with respect to any of these Defendants. Accordingly, the Court will dismiss the Plaintiff's claims against the above-referenced Defendants without prejudice.

**IT IS, THEREFORE, ORDERED** that the Plaintiff's claims against the Defendants Covil Corporation; Daniel International Corporation, formerly known as Daniel Construction Company, Inc.; Flowserve US Inc, individually and as successor to Byron Jackson Pump Company; Fluor Constructors International, formerly known as Fluor Corporation; Fluor Constructors International, Inc.; Fluor Enterprises, Inc.; and Union Carbide Corporation are hereby **DISMISSED WITHOUT PREJUDICE**.

This case remains stayed with respect to the Plaintiff's claims against the Defendant Georgia-Pacific, LLC [See Doc. 246].

**IT IS SO ORDERED.**

Signed: March 4, 2019

  
Martin Reidinger  
United States District Judge

