

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

United States of America for the use and)
benefit of Curtis C. Davis d/b/a Davis)
Contracting Company,)

Plaintiff,)

vs.)

Byrd Brothers Emergency Services, LLC;)
and Travelers Casualty and Surety)
Company of America,)

Defendants.)

Travelers Casualty and Surety Company)
of America,)

Third-Party Plaintiff,)

vs.)

Byrd Brothers, Inc., Claude R. Byrd,)
James K. Byrd, and Donna R. Byrd,)

Third-Party Defendants.)

ORDER

Case No. 4:12-cv-153

Upon application by Defendant Travelers Casualty and Surety Company of America (“Travelers”), the Clerk’s office filed entry of default on September 29, 2014, against Defendant Byrd Brothers Emergency Services, LLC (“BBES”) and Third-Party Defendants Byrd Brothers, Inc., Claude R. Byrd, James K. Byrd, and Donna R. Byrd pursuant to Fed. R. Civ. P. 55(a).

On October 31, 2014, Defendant Travelers Casualty and Surety Company of America (“Travelers”) filed a motion for entry of stay regarding its cross-claims against BBES, and third-party claims against Third-Party Defendants pending conclusion of the lawsuit captioned Mike

Munna, LLC v. Byrd Brothers Emergency Services, LLC, et. al., 34th Judicial District Court for the Parish of St. Bernard, State of Louisiana, Case No. #14-0645.

On November 4, 2014, plaintiff and Travelers filed a motion to dismiss the following claims and counterclaims with prejudice: Plaintiff's claims against Travelers and BBES; and BBES's counterclaims against plaintiff. They advise that the parties participated in a private mediation on August 25, 2014, and that a settlement of these claims was reached. They further advise that, although BBES is not represented by counsel, BBES's President participated in the mediation by telephone and email and has subsequently confirmed in writing to counsel that BBES has consented to the agreement.

The court **GRANTS** plaintiff's and Traveler's Motion to Dismiss (Docket No. 66). Plaintiff's claims against Travelers and BBES are **DISMISSED** with prejudice. BBES's counterclaims against plaintiff are also **DISMISSED** with prejudice. Thus, the only claims remaining are Traveler's cross-claims against BBES and third party claims against third-party defendants.

The court **GRANTS** Traveler's motion for entry of stay regarding its cross-claims and third-party claims (Docket No. 65). This matter shall be stayed pending conclusion of the lawsuit captioned Mike Munna, LLC v. Byrd Brothers Emergency Services, LLC, et. al., 34th Judicial District Court for the Parish of St. Bernard, State of Louisiana, Case No. #14-0645. The parties are **ORDERED** to file with the court an update on the status of the case on or before May 1, 2015.

IT IS SO ORDERED.

Dated this 7th day of November, 2014.