

**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

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On November 7, 2014, the court issued an order in which it: (1) dismissed all pending claims except for Travelers Casualty and Surety Company of America's ("Travelers") cross claims against Byrd Brothers Emergency Services, LLC and third-party claims against third-party defendants; and (2) stayed what remains of this matter pending resolution of a lawsuit captioned Mike Munna, LLC v. Byrd brothers Emergency Services, LLC, et. al., 34th District Court for the Parish of St. Bernard, State of Louisiana, Case No. 14-0645 (hereinafter referred to as the "Louisiana lawsuit").

On November 2, 2015, Travelers filed a status report in which it advised that, although the

Louisiana lawsuit was still ongoing, it had decided to move forward in this case.

On November 13, 2015, Travelers filed a motion requesting the court to lift the stay to allow it effectuate service on third-party defendant Claude R. Byrd. The court **GRANTS** Travelers' motion (Docket No. 73) and lifts the stay in this matter.

**IT IS SO ORDERED.**

Dated this 18th day of November, 2015.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr., Magistrate Judge  
United States District Court