

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

ILLINOIS FARMERS INSURANCE COMPANY,)
a/s/o Bryan Shaw and Jill Shaw,)
)
Plaintiff,)
)
v.)

Case No. 1:14-cv-00414-TWP-DML

TRACTOR SUPPLY COMPANY and)
CAVAGNA NORTH AMERICA,)
)
Defendants.)

ENTRY ON PENDING MOTIONS

Several matters are pending before the Court that relate to the fact that the recent settlement conference with the Magistrate Judge produced a settlement between Plaintiff and Defendant Tractor Supply Company (“Tractor Supply”) but not between Plaintiff and Defendant Cavagna North America (“Cavagna”). Therefore, the Court rules as follows:

1. The Court treats the Stipulation of Dismissed filed by Plaintiff and Tractor Supply ([Filing No. 53](#)) as a motion to dismiss, and **GRANTS** the same. Plaintiff’s cause of action against Tractor Supply is **DISMISSED WITH PREJUDICE**, with each of those parties to bear its own costs.

2. The Court **DENIES** Cavagna’s Objection to Dismissal of Tractor Supply ([Filing No. 56](#)) as a party-defendant, but as addressed in paragraph 4 below, **GRANTS** its request to name Tractor Supply as a non-party. Before the settlement conference, Cavagna had not brought to the Court’s or to Tractor Supply’s attention any alleged discovery deficiency issues. Tractor Supply had served its answers to Cavagna’s interrogatories on November 25, 2014, and Cavagna had not sought any documents or depositions. It was only after Plaintiff and Tractor Supply reached

agreement that Cavagna first (1) complained about Tractor Supply's responses to interrogatories and (2) served its own document requests and deposition notices. The Court is not persuaded that the discovery issues now identified by Cavagna should prevent dismissing Tractor Supply as a defendant. Cavagna may seek discovery from Tractor Supply under Rule 45.

3. The Court **GRANTS** Plaintiff's Motion for Leave to File its Second Amended Complaint ([Filing No. 55](#)) that adds Cavagna Group SpA and its OMECA division as a defendant. Plaintiff must file its Second Amended Complaint within five (5) days of the date of this Entry and may eliminate its claim for relief against Tractor Supply because of Plaintiff's settlement with that Defendant. Plaintiff must act promptly to effect service of the Second Amended Complaint on the new defendant. Cavagna will be deemed to have been served on the date the Second Amended Complaint is filed.

4. Cavagna may name Tractor Supply as a non-party defendant as part of its affirmative defenses to Plaintiff's claims.

5. The Court **GRANTS** Plaintiff's Third Motion for Extension of Time to complete Non-Expert Witness and Liability Discovery ([Filing No. 54](#)). That deadline is extended to Wednesday, August 19, 2015.

SO ORDERED.

Date: 3/4/2015


Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

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