

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

PKM STEEL SERVICE, INC.,  
Plaintiff,

vs.

Case No. 04-1299-JTM

STEEL SERVICE CORPORATION, et al.,  
Defendants.

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MEMORANDUM AND ORDER

Two motions are before the court in this action arising from a construction project for Cessna Aircraft Company in Wichita, Kansas. Third-party plaintiff, Bosworth Steel Erectors, Inc., has moved to dismiss *without prejudice* its claims against The Law Company, St. Paul Fire and Marine Insurance Company (in its capacity as insurer for The Law Company), and United States Fidelity and Guaranty Company (in its capacity as insurer for the Law Company). Bosworth has also moved for a dismissal *with prejudice* of its claims against Steel Service Corporation and St. Paul Fire and Marine Insurance Company (in its capacity as insurer for Steel Service Corporation). Both motions are predicted on settlement agreements entered into by the named parties. No party has filed any opposition to Bosworth's motions.

Accordingly, both for good cause shown and pursuant to D.Kan.R. 7.4, the third-party plaintiff's motions (Dkt. No. 102, 103) are hereby granted.

IT IS SO ORDERED this 27<sup>th</sup> day of June, 2006.

s/ J. Thomas Marten  
J. THOMAS MARTEN, JUDGE