

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

LYNN ELECTRIC, INC.,

Plaintiff,

vs.

Case No. 05-4106-SAC

HUGHES CENTURY MAINTENANCE  
SUPPLY,

Defendant.

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**ORDER GRANTING UNOPPOSED MOTION TO JOIN  
THIRD PARTY DEFENDANTS**

This matter comes before the court upon Defendant Hughes Century Maintenance's ("Hughes") Unopposed Motion to Join Third-Party Defendants (Doc. 18). Specifically, Defendant Hughes seeks to join Lighting Import Concepts, LP, and Royal Pacific, LTD.

In addition to its motion, Defendant Hughes filed its "Third Party Complaint" (Doc. 17) on January 13, 2006. The court finds Defendant's action was technically improper under the Federal Rules of Civil Procedure. Fed. R. Civ. P. 14(a) governs joinder of third-parties. Under that rule,

"The third-party plaintiff need not obtain leave to make the service if the third-party plaintiff files the third-party complaint not later than 10 days after serving the original answer. Otherwise the third-party plaintiff must obtain leave[.]"

Defendant/Third-Party Plaintiff Hughes filed its original answer on October 25, 2005, and its "Third Party Complaint" on January 13, 2006 – more than two and a half months later. Therefore, pursuant to Fed. R. Civ. P. 14(a), Defendant Hughes should have sought leave of the court before filing

its "Third Party Complaint" (Doc. 17) as a separate document in this case. Nonetheless, and in the interest of judicial expediency, the court shall deem Defendant's Third Party Complaint (Doc. 17) as timely filed, and shall grant Defendant Hughes's unopposed motion at this time. However, should Defendant Hughes seek to join any additional third-parties to this case, Defendant shall first seek leave of the court before filing its third-party complaint as a separate document. Therefore, for good cause shown,

**IT IS THEREFORE ORDERED** that Defendant Hughes Century Maintenance Supply's Motion to Join Third Party Defendants (Doc. 18) is hereby granted.

**IT IS FURTHER ORDERED** that Defendant Hughes shall serve its Third-Party Complaint upon Third-Party Defendants no later than **February 15, 2006**.

**IT IS SO ORDERED.**

Dated this 19th day of January, 2006, at Topeka, Kansas.

s/ K. Gary Sebelius  
K. Gary Sebelius  
U.S. Magistrate Judge