

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

JOHN CALTON,

Plaintiff,

v.

Case No. 17-2739-DDC

JVM SOVEREIGN APARTMENTS, LLC,

Defendant and  
Third-Party Plaintiff,

v.

DAVIS DEVELOPMENT, INC., et al.,

Third-Party Defendants.

**NOTICE AND ORDER TO SHOW CAUSE**

TO THE THIRD-PARTY PLAINTIFF, JVM SOVEREIGN APARTMENTS,  
LLC:

On April 16, 2018, third-party plaintiff JVM Sovereign Apartments, LLC (“JVM”) filed an amended third-party complaint (ECF No. 31). The record indicates summons of the amended third-party complaint was executed on third-party defendant Creative Stucco & Stone, Inc. (“CSS”) on May 13, 2018 (ECF No. 42-1). Pursuant to Fed. R. Civ. P. 12, CSS’s response to this complaint was due within 21 days of service of the summons, i.e., on June 4, 2018.

To date, CSS has not filed an answer to the amended third-party complaint and no other action has been taken in this matter with respect to CSS. Therefore, the court orders JVM to show cause in writing to the Honorable Daniel D. Crabtree, United States District Judge, on or before **June 29, 2018**, why the claims against CSS should not be dismissed, with prejudice, for lack of prosecution under Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

Dated June 19, 2018, in Kansas City, Kansas.

s/ James P. O'Hara  
James P. O'Hara  
U.S. Magistrate Judge