

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

<b>EMPLOYERS INSURANCE COMPANY</b>	)	
<b>OF WAUSAU, as subrogee of</b>	)	
<b>Black &amp; Veatch Corporation,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 20-2290-DDC-GEB</b>
	)	
<b>ENERDEL, INC.,</b>	)	
	)	
<b>Defendant.</b>	)	
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**ORDER**

This matter is before the court on Defendant’s Motion for Leave to Join Additional Party (File Third-Party Complaint) (**ECF No. 23**). Defendant Enerdel, Inc. filed the motion on September 25, 2020, making any response to the motion due October 9, 2020. No response in opposition has been filed. Therefore, the motion is uncontested and may be granted without further notice pursuant to D. Kan. Rule 7.4.

Additionally, in its discretion, the Court finds the balance of factors weigh in favor of the filing of a third-party complaint as analyzed under Fed. R. Civ. P. 14(a), and justice requires amendment.<sup>1</sup>

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<sup>1</sup> Whether to allow filing of a third-party complaint under Fed. R. Civ. P. 14 is “a matter within the sound discretion of the Court.” *See AK Steel Corp. v. PAC Operating Ltd. P’ship*, No. 15-9260-CM-GEB, 2016 WL 6163832, at \*4 (D. Kan. Oct. 24, 2016) (collecting cases; internal citations omitted); *see Lansing Trade Grp., LLC v. OceanConnect, LLC*, No. 12-2090-JTM-GLR, 2013 WL 120158, at \*1 (D. Kan. Jan. 9, 2013) (internal citations omitted). When exercising this discretion, some of the relevant factors considered by the court include: (1) the benefits of a single action versus prejudice to the other party and confusion, (2) the timeliness of the request and prejudice to the plaintiff in delay, (3) whether the main case would unnecessarily expand in scope, (4) whether

**IT IS THEREFORE ORDERED** that Defendant Enerdel, Inc.'s Motion for Leave to File a Third-Party Complaint (**ECF No. 23**) is **GRANTED**. Defendants shall file their Third-Party Complaint no later than **October 30, 2020**.

**IT IS SO ORDERED.**

Dated at Wichita, Kansas this 19th day of October 2020.

s/ Gwynne E. Birzer  
GWYNNE E. BIRZER  
United States Magistrate Judge

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impleading new parties would unduly delay or complicate the trial, and (5) whether the third-party plaintiff's motion states sufficient grounds for the court to evaluate the propriety of third-party complaints. *Admin. Comm. of Wal-Mart Assocs. Health & Welfare Plan v. Willard*, 216 F.R.D. 511, 514 (D. Kan. 2003) (internal citations omitted).