

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

FIREMAN'S FUND McGEE MARINE
UNDERWRITERS, a/s/o HARTUNG
BROTHERS, INC.,

Plaintiff,

v.

A & B WELDING AND MFG., INC.,

Defendant/Cross-Claimant,

v.

FARMCHEM CORPORATION,

Defendant/Third-Party Plaintiff,

Defendant and third-party plaintiff Farmchem Corporation has moved for leave to file a third party complaint against Tyco Valves and Controls, Inc. and a company known as Central States. The motion will be denied. Trial in this case is scheduled to begin on May 16, 2005. Even if Central States were served immediately, it would not have time even to answer the complaint, let alone conduct discovery within the next two weeks.

Defendant Farmchem argues that if it is not allowed to add Tyco and Central States

at this time, the consequence may be another trial. That may be true, but it is hard to see how resolving the present case and then proceeding to take up Farmchem's claims against Tyco and Central States will be any more time consuming than abandoning all of the work that has been done to get the case ready for trial on May 16 and having to redo it at some time in the future.

Also before the court is defendant Farmchem's motion for summary judgment. This motion will be denied as well. Defendant has not shown the absence of any genuine issue of material fact.

ORDER

IT IS ORDERED that defendant/third-party plaintiff Farmchem Corporation's motion to amend its third-party complaint to name Central States and Tyco Valves and Controls, Inc. is DENIED. FURTHER, IT IS ORDERED that defendant/third-party's motion for summary judgment is DENIED.

Entered this 27th day of April, 2005.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge