

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

---

THE CINCINNATI INSURANCE COMPANY,

Interpleader Plaintiff,

v.

ORDER

13-cv-227-wmc

WELTON ENTERPRISES, INC., WELTON  
FAMILY LIMITED PARTNERSHIPS, 3PP  
PLUS LIMITED PARTNERSHIP, TARGET  
CONSTRUCTION, INC., KENNETH  
BRAYTON, JHON LINARES, MURPHY  
DESMOND, S.C., HALLOIN MURDOCK,  
S.C., and FUTURE FOAM, INC.,

Interpleader Defendants.

---

A telephonic hearing was held yesterday in the above-captioned matter, at which all parties appeared by counsel. This order memorializes the rulings the court made during that hearing.

ORDER

IT IS ORDERED THAT:

1. All claims against interpleader defendant Halloin Murdock, S.C. are dismissed without prejudice and without costs. Accordingly, Halloin Murdock's motion to dismiss (dkt. #204) is DENIED as moot.
2. At the telephonic hearing, the court stated that The Cincinnati Insurance Company's interpleader claim against interpleader defendant Halloin Murdock, S.C. would be dismissed with prejudice, relying on the language in the relevant heading in The Cincinnati Insurance Company's notice of dismissal. (Dkt. #201.)

The text of that notice, however, provides for dismissal *without* prejudice. If counsel for Halloin Murdock, S.C. wishes to have an order dismissing Cincinnati Insurance's claim against it entered *with* prejudice, he will need to recirculate and file a stipulation to that effect.

3. Interpleader defendants Target Construction, Kenneth Brayton, Jhon Linares, Welton Enterprises, Inc., Welton Family Limited Partnerships, 3PP Plus Limited Partnership (collectively, "Welton"), and Murphy Desmond, S.C., and interpleader plaintiff The Cincinnati Insurance Company may have until February 3, 2017, to file a stipulation to dismiss with prejudice all claims between those parties.
4. Interpleader defendant Future Foam, Inc.'s motion (dkt. #192) is DENIED. Future Foam may have until February 3, 2017, to file and serve a complaint against Welton. Welton's answer will be due within ten days of service. Future Foam may have thirty days from service of Welton's answer to file and serve a motion for summary judgment, brief and supporting materials in accordance with the court's standard procedures. Welton's response will be due 21 days from service of Future Foam's motion, and Future Foam's reply, if any, will be due 10 days from service of Welton's response.
5. All parties, other than Future Foam, may have until March 31, 2017, to file a motion for summary judgment in accordance with the court's standard procedures.

6. A trial on all remaining claims will be held on June 5, 2017. The final pretrial conference will be held on May 30, 2017, at 4:00 p.m.

Entered this 27th day of January, 2017.

BY THE COURT:

/s/

WILLIAM M. CONLEY  
District Judge