

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

JOHN DECASTRO,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 16-951-LPS-SRF
)	
BEECH AIRCRAFT)	
CORPORATION, et al,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION FOR ORDER OF DISMISSAL

WHEREFORE, on January 25, 2018, the court issued a Report and Recommendation which recommended granting moving defendants' motions for summary judgment¹ (D.I. 134);

WHEREFORE, on August 15, 2018, the court issued a Report and Recommendation which recommended granting-in-part and denying-in-part the motion for summary judgment filed by Ford Motor Company ("Ford") (D.I. 118; D.I. 144);

WHEREFORE, on March 2, 2018 and September 24, 2018, Chief Judge Stark adopted the Reports and Recommendations granting the moving defendants' motions for summary judgment and granting-in-part Ford's motion for summary judgment (D.I. 140; D.I. 145);

WHEREFORE, four defendants remain active on the docket: Beech Aircraft Corporation, BorgWarner Morse TEC LLC, Ford Motor Company, and Goodyear Tire & Rubber Company;

¹ The moving defendants were as follows: Union Carbide Corporation, Curtiss-Wright Corporation, Pfizer, Inc., Honeywell International, Inc., United Technologies Corporation, and Goodyear Tire & Rubber Company. (D.I. 108; D.I. 110; D.I. 112; D.I. 114; D.I. 120; D.I. 122) Goodyear Tire & Rubber Company filed a motion for partial summary judgment, which was granted. (D.I. 122; D.I. 134)

WHEREFORE, Beech Aircraft Corporation has not filed its appearance;

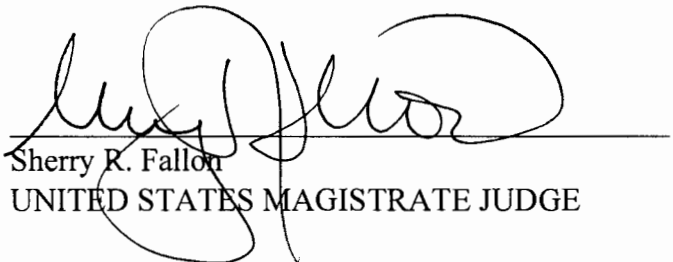
WHEREFORE, on January 17, 2020, plaintiff has advised that claims against all defendants have been resolved (D.I. 153); and

WHEREFORE, the court ordered that, on or before January 28, 2020, plaintiff was to show cause why the Complaint should not be dismissed with prejudice as to the remaining defendants, Beech Aircraft Corporation, BorgWarner Morse TEC LLC, Ford Motor Company, and Goodyear Tire & Rubber Company (D.I. 154); and

WHEREFORE, plaintiff has not filed a response to the Order to Show Cause to date.

IT IS HEREBY RECOMMENDED THAT the Complaint should be dismissed with prejudice as to the remaining defendants, Beech Aircraft Corporation, BorgWarner Morse TEC LLC, Ford Motor Company, and Goodyear Tire & Rubber Company, pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute claims against those remaining defendants and failure to respond to the Order to Show Cause.

Dated: January 29, 2020



Sherry R. Fallon
UNITED STATES MAGISTRATE JUDGE