

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

DAVID M. SEMAS, et al.,)	3:19-CV-0125-CBC
)	
Plaintiff(s),)	<u>MINUTES OF PROCEEDINGS</u>
)	
vs.)	DATE: June 6, 2019
)	
CHEMETALL US, INC., et al.,)	
)	
Defendant(s).)	
_____)	

PRESENT: THE HONORABLE CARLA BALDWIN CARRY, U.S. MAGISTRATE JUDGE

Deputy Clerk: Lisa Mann Court Reporter: Liberty Recorder

Counsel for Plaintiff(s): Marc Lazo and James Boyle (Both by telephone)

Counsel for Defendant(s): Robert Ryan, Teague Donahey, and (By telephone) Rew Goodenow and Anderson Cao

PROCEEDINGS: STATUS CONFERENCE

The Court addresses the parties regarding the purpose of this hearing and notes that there does not appear to be any issues concerning recusal of this Court; however, if counsel determine there are, counsel have leave to file a motion.

The Court clarifies with counsel which parties they represent in this action. The Court notes there is an outstanding issue concerning a Rule 4(m) dismissal of defendant, Dubois Chemicals, Inc. Mr. Lazo advises the Court that plaintiff intends to reinstate Electroplating Consultants International and Broco Products, Inc., as named defendants in this case.

The Court notes that the current outstanding motions in this case are:

#86 - Motion to Intervene filed by Chemeon Surface Technology, LLC;

#87 - Motion to dismiss or, in the alternative, to stay filed by defendants Chemetall US, Inc., BASF Corporation, Qualichem, Inc., John Schneider & Associates, Inc., Ronatec C2C, Inc., Southern Industrial Chemicals, Inc., and proposed intervenor Chemeon Surface Technology, LLC;

David M. Semas, et al. v. Chemetall US, Inc., et al.

3:19-CV-0125-CBC

June 6, 2019

Page 2

#88 - Motion to dismiss or, in the alternative to stay filed by defendants Chemetall US, Inc., BASF Corporation, QualiChem, Inc., John Schneider & Associates, Inc., Ronatec C2C, Inc., Southern Industrial Chemicals, Inc., and proposed intervenor Chemeon Surface Technology, LLC;

#89 - Motion for attorneys fees and costs by defendants Chemetall US, Inc., BASF Corporation, QualiChem, Inc., John Schneider & Associates, Inc., Broco Products, Inc., Ronatec C2C, Inc., Electroplating Consultants International, Inc., Southern Industrial Chemicals, Inc., and proposed intervenor Chemeon Surface Technology, LLC;

#91 - Motion to dismiss or in the alternative, to stay filed by Albemarle Corporation;

#133 - Motion to dismiss or, in the alternative, to stay filed by Miles Chemical Company, Inc.; and

#142 - Joinder in pending motion for attorneys' fees and costs filed by Miles Chemical Company, Inc.

The Court finds it will STAY this case in its entirety pending the outcome of the *Chemeon Surface Technology, LLC v. Metalast International, Inc., et al.*, case no. 3:15-CV-0294-CBC.

Therefore, the Court finds the motion to intervene (ECF No 86) is DENIED without prejudice; the motion to dismiss (ECF No. 87) is DENIED without prejudice; the motion to stay case (ECF No. 88) is GRANTED; the motion for attorneys fees and costs (ECF No. 89) is DENIED without prejudice; and the motions to dismiss or in alternative, to stay (ECF Nos. 91 and 133) are GRANTED in part and DENIED in part. The motions (ECF Nos. 91 and 133) are DENIED as to the motions to dismiss and are GRANTED as to the motions to stay. And, the joinder in pending motion for attorneys' fees and costs (ECF No. 142) is DENIED without prejudice.

Mr. Boyle advises the Court that the summons returned executed as to Dubois Chemicals, Inc., was filed on April 29, 2019 (ECF No. 127) and inquires whether a default for failure to respond shall be entered. The Court advises that since the case is stayed, this issue can be readdressed once the stay is lifted.

The Court admonishes counsel that when the stay is lifted in this case, the Court will expect that counsel behave in an appropriate, cooperative, professional manner towards one

David M. Semas, et al. v. Chemetall US, Inc., et al.
3:19-CV-0125-CBC
June 6, 2019
Page 3

another and advises counsel that the Court will not tolerate name calling in papers filed with the Court.

IT IS SO ORDERED.

11:24 a.m. Court adjourns.

DEBRA K. KEMPI, CLERK

By: _____ /s/
Lisa Mann, Deputy Clerk