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United States District Court,
D. Minnesota.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, Plaintiff,
v.
HIGHLAND MANUFACTURING CO., Defendant/Third-Party Plaintiff,
v.
Chester V. BAILEY, Ronald Adams, John Mendivil, and Theresa Kerns, Third-Party Defendants.

No. Civ. 02-898(JEL/JGL). | Nov. 6, 2002.

Attorneys and Law Firms

Holly M. Robbins, Faegre & Benson LLP, for Defendant/Third-Party Plaintiff Highland Manufacturing Co.

Lonnie F. Bryan, Assistant United States Attorney, Office of the United States Attorney for the District of Minnesota, for Third-Party Defendants Chester V. Bailey, Ronald Adams, John Mendivil, and Theresa Kerns.

Opinion

ORDER

LANCASTER, J.

*1 The Equal Employment Opportunity Commission (EEOC) brought this action against Highland Manufacturing Co. (Highland) in April 2002, alleging that Highland violated Title VII of the Civil Rights Act of 1964 by discriminating against African-Americans, Hispanics, and women. In May 2002, Highland brought a Third-Party Complaint alleging constitutional claims against the Milwaukee District Director of the EEOC, Chester Bailey, and three EEOC Investigators, Ronald Adams, John Mendivil, and Theresa Kerns (collectively, the Third-Party Defendants). Before the Court is a motion by the Third-Party Defendants to dismiss Highland’s Third-Party Complaint or, in the alternative, for summary judgment.

The Court concludes that Highland’s Third-Party Complaint must be dismissed without prejudice because it does not satisfy the requirements of Fed.R.Civ.P. 14(a), which provides in relevant part:

At any time after commencement of the action a defending party, as a third-party plaintiff, may cause a summons and complaint to be served upon a person not a party to the action who is or may be liable to the third-party plaintiff for all or part of the plaintiff’s claim against the third-party plaintiff.

The Third-Party Defendants in this case, all of whom are agents of the EEOC, cannot be held liable for any part of the EEOC’s Title VII claim against Highland. IT IS THEREFORE ORDERED THAT:

1. Third-Party Defendants’ Motion to Dismiss or for Summary Judgment [Doc. No. 15] is GRANTED in part.
2. Defendant/Third-Party Plaintiff Highland’s Third-Party Complaint is DISMISSED WITHOUT PREJUDICE.