UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Rob Tinsley Properties, LLC v. Daylight Petroleum, LLC; Daylight Petroleum, LLC v. Ronald L. Johnson

Rob Tinsley Properties · No. 25-4072-JAR-JBW · Decided April 2, 2026

SUMMARY

The United States District Court for the District of Kansas granted Rob Tinsley Properties, LLC's motion to strike Daylight Petroleum, LLC's third-party complaint against Ronald L. Johnson. The court concluded that Daylight had not shown derivative liability under Federal Rule of Civil Procedure 14 and that Kansas comparative-fault law does not support impleader of a joint tortfeasor for contribution or indemnification. Daylight's motion for default judgment against Johnson was therefore deemed moot.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	Julie A. Robinson
JURISDICTION	United States District Court for the District of Kansas
DECIDED	April 2, 2026
DOCKET	25-4072-JAR-JBW
DISPOSITION	dismissed
PROCEDURAL POSTURE	Tinsley moved under Federal Rule of Civil Procedure 14(a)(4) to strike Daylight's third-party complaint against Ronald L. Johnson. Daylight moved for default judgment against Johnson. The court granted the motion to strike, dismissed the third-party complaint, and denied the default-judgment motion as moot.
STANDARD OF REVIEW	The court applied Federal Rule of Civil Procedure 14(a) and placed on Daylight the burden of showing that impleader was appropriate. It also exercised discretion in declining to deem the motion to strike untimely because Rule 14(a)(4) contains no filing deadline and the Tenth Circuit had provided no controlling guidance.
PRECEDENTIAL VALUE	Unknown; memorandum and order from a federal district court
PARTIES	Rob Tinsley Properties, LLC v. Daylight Petroleum, LLC

TOPICS

third party practice | joinder | civil procedure | negligence | nuisance

PRACTICE AREAS

civil procedure | commercial litigation | torts | oil and gas | mineral rights

QUESTIONS PRESENTED

1. Whether Tinsley's motion to strike Daylight's third-party complaint was untimely under Federal Rule of Civil Procedure 12(f).
2. Whether Daylight's claims against Johnson were derivative claims properly brought under Federal Rule of Civil Procedure 14(a).
3. Whether Daylight's motion for default judgment against Johnson remained justiciable after the third-party complaint was stricken.

HOLDINGS

1. A motion to strike a third-party claim under Rule 14(a)(4) is not subject to an established 21-day deadline under Rule 12(f) where Rule 14(a)(4) provides no time limit and the governing circuit has not held that Rule 12(f)'s deadline applies.
2. Daylight could not implead Johnson under Rule 14 because its claims were based on Johnson's alleged direct liability for Tinsley's damages rather than liability derivative of Daylight's potential liability to Tinsley.
3. Daylight's motion for default judgment was moot after the court struck and dismissed the third-party complaint.

KEY QUOTATIONS

> *"Indeed, the provision for impleading parties under Rule 14(a) is narrow as the third-party claim must be derivative of the original claim."* (Section III.B)

> *"But Rule 14 is not available for the joinder of joint tortfeasors."* (Section III.B)

FACTUAL BACKGROUND

Tinsley owns a commercial building in Neodesha, Kansas. During Daylight's June 26, 2023 fracking operation at a nearby well, oil allegedly traveled through an abandoned well located beneath Tinsley's building, causing substantial property damage and business interruption. Johnson previously owned the property and allegedly failed to document and properly plug the abandoned well before selling the property. Daylight sought to bring Johnson into the case as a third-party defendant based on negligence, negligence per se, nuisance, and statutory reimbursement theories.

PROCEDURAL HISTORY

Tinsley filed a removal action against Daylight asserting Kansas-law tort claims arising from damage allegedly caused by Daylight's fracking operation. Daylight later filed a third-party complaint under Rule 14(a) against Johnson, the predecessor in interest to Tinsley's property, alleging that Johnson's failure to document and plug an abandoned well caused or contributed to the alleged damage. Johnson did not answer. The court concluded that the third-party claims were not derivative claims permitted by Rule 14 and dismissed them; Daylight's motion for default judgment consequently became moot.

DISPOSITION

dismissed

CASES CITED

- Country Mut. Ins. v. Rocky Mountain Constr. Co., No. 12-CV-00453-REB-KMT, 2013 WL 438940, at *2 (D. Colo. Feb. 5, 2013)
- Adm. Comm. of Wal-Mart Assocs. Health & Welfare Plan v. Willard, 216 F.R.D. 511, 513 (D. Kan. 2003)
- Bethany Med. Ctr. v. Harder, 641 F. Supp. 214, 217 (D. Kan. 1986)
- KMMentor, L.L.C. v. Knowledge Mgmt. Pro. Soc., Inc., No. CIVA 06-2381-KHV, 2006 WL 3759576, at *2 (D. Kan. Dec. 19, 2006)
- King Fisher Marine Serv., Inc. v. 21st Phoenix Corp., 893 F.2d 1155, 1158 n.1 (10th Cir. 1990)
- Clark v. Assocs. Comm. Corp., 149 F.R.D. 629, 633 (D. Kan. 1993)
- Hefley v. Textron, Inc., 713 F.2d 1487, 1498 (10th Cir. 1983)
- In re Dep’t of Energy Stripper Well Exemption Litig., 752 F. Supp. 1534, 1536 (D. Kan. 1990)
- Nolde v. Hamm Asphalt, Inc., 202 F. Supp. 2d 1257, 1266–67 (D. Kan. 2002)
- Wilson v. Probst, 581 P.2d 380, 384 (Kan. 1978)
- Baird v. Phillips Petroleum Co., 535 F. Supp. 1371, 1378 (D. Kan. 1982)
- Hartford Fire Ins. v. Forward Sci. LLC, No. 20-2399-HLT-ADM, 2021 WL 26176, at *3 (D. Kan. Jan. 4, 2021)
- White Prompt, Inc. v. David A. Kraft & Assocs., LLC, No. 20-4030-EFM, 2020 WL 6343305, at *2 (D. Kan. Oct. 29, 2020)