

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PAUL HOA,

No. C-12-2078 EMC

Plaintiff,

v.

**ORDER REGARDING
SUPPLEMENTAL BRIEFING FOR
CROSS-DEFENDANTS' MOTION TO
DISMISS**RICHARD RILEY, *et al.*,

Defendants.

(Docket No. 146)

David F. Lopez, T. Gregory Stagnito, Bridge Transport, and Stag Leasing Inc. (“Cross-Defendants”) have moved to dismiss Richard Riley, Raymond Matteucci, David Moore, Ronald Chan, Tammy Foss, Thomas Alioto, and George Moon’s (“Cross-Claimants”), cross-complaint for equitable indemnity, contribution, and declaratory relief. Docket No. 146. The Court hereby orders Cross-Defendants and Cross-Claimants to provide supplemental briefing regarding the following issues.

Assuming, *arguendo*, (1) that there is no right to indemnity or contribution under Section 1983 or federal common law, (2) that state law rights to indemnity or contribution may not be applied under Section 1988, and (3) that the substantive claim by the plaintiff against defendants/cross-claimants upon which the cross-claim arises is solely under federal law (*i.e.* Section 1983) and not state law:


- Would a cross-claim for contribution or indemnity brought directly under state law be preempted or precluded by Section 1988?

- 1 • Would such a cross-claim be preempted under the Supremacy Clause irrespective of Section
2 1988?

3 **The supplemental briefs shall be filed no later than December 19, 2014, and each**
4 **party's brief shall not exceed 10 pages.**

5 IT IS SO ORDERED.

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7 Dated: December 4, 2014

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9 EDWARD M. CHEN
United States District Judge