

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ANTHONY A. NASH,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 16-896 (MN)
)	
CONNECTIONS CSP, INC., et al.,)	
)	
Defendants.)	

MEMORANDUM

I. INTRODUCTION

Plaintiff, Anthony A. Nash (“Plaintiff”), who appears *pro se*, is an inmate at the Howard R. Young Correctional Institution (“HRYCI”) in Wilmington, Delaware. He filed this lawsuit pursuant to 42 U.S.C. § 1983 and also raised supplemental state law claims. (D.I. 3). The fifth amended complaint is the operative pleading. (D.I. 83). Before the Court is Plaintiff’s motion for entry of final judgment. (D.I. 287).

II. BACKGROUND

When Dr. Jason Justison (“Dr. Justison”), Dr. Taurance Bishop (“Dr. Bishop”), Christine Claudio (“Claudio”), Connections Community Support Program, Inc. (“Connections”), Tracey Crews (“Crews”), Dr. Phillips (“Dr. Phillips”), Karen Lewis (“Lewis”), Mary Helen Stewart (“Stewart”), and Mitchell A. White (“White”) answered the fifth amended complaint, they each asserted cross-claims for apportionment of liability among the defendants and contribution pursuant to 10 Del. C. § 6301, *et seq.*, and filed cross-claims for indemnity. (See D.I. 103, 194, 198-204). On July 20, 2018, the Court denied Plaintiff’s motions for summary judgment (D.I. 163, 189, 263) against White, Dr. Justison, Connections, Dr. Bishop, Dr. Phillips, Claudio, Lewis, Crews, and Stewart. (See D.I. 274, 275). On the same date, the Court granted motions for

summary judgment filed by Dr. Marc Richman (“Dr. Richman”) and C/O Clark (“Clark”) (D.I. 43), Dr. Justison (D.I. 196), and Dr. Bishop, Claudio, Connections, Crews, Dr. Phillips, Lewis, Stewart, and White (D.I. 249). (See D.I. 274, 275). On July 20, 2018, judgment was entered in favor of Justison, Clark, Dr. Richman, Dr. Bishop, Claudio, Connections, Crews, Dr. Phillips, Lewis, Stewart, and White and against Plaintiff. (D.I. 276). Prior to entering judgment, however, the Court inadvertently omitted to dismiss the cross-claims between the Defendants.

Plaintiff appealed. (See D.I. 278). On November 20, 2018, the United States Court of Appeals for the Third Circuit dismissed the appeal for lack of appellate jurisdiction noting that, while judgment was entered in favor of Defendants on the claims brought by Plaintiff, the cross-claims filed by Defendants remained pending, and this Court had not certified the judgment under Federal Rule of Civil Procedure 54(b). (See D.I. 286). In light of the foregoing, Plaintiff filed a motion for entry of final judgment under Rule 54(b). (D.I. 287).

III. DISCUSSION

Judgment was entered in favor of Defendants on the claims brought by Plaintiff, and in doing so, the claims in Plaintiff’s fifth amended complaint are extinguished. The Court’s rulings on the motions for summary judgment in favor of Defendants and against Plaintiff rendered moot the cross-claims for contribution and indemnity asserted by Defendants. See, e.g., *A.M. v. Landscape Structures, Inc.*, No. 1:14-1376, 2017 WL 2215276 (M.D. Pa. May 19, 2017); *US Bank Nat’l Assoc. v. PNC Bank N.A.*, No. 14-2845, 2015 WL 5771823 (E.D. Pa. Oct. 20, 2015) (dismissing as moot cross-claims for indemnification upon grant of summary judgment for defendants); see also *Owens v. Aetna Life & Cas. Co.*, 654 F.2d 218, 220 n.2 (3d Cir. 1981) (as a practical matter Aetna’s pending cross-claim for contribution/indemnity became groundless once Aetna’s motion for summary judgment was granted). Pursuant to Rule 60(a), the Court will enter

a corrected final judgment to correct the inadvertent oversight in failing to dismiss the cross-claims.

IV. CONCLUSION

For the above reasons, the Court will: (1) dismiss as moot the cross-claims for contribution and indemnity raised by Defendants Dr. Justison, Dr. Bishop, Claudio, Connections, Crews, Dr. Phillips, Lewis, Stewart, and White; (2) enter a corrected final judgment from which the Plaintiff may appeal; and (3) deny as moot Plaintiff's motion for entry of final judgment under Rule 54(b).

An appropriate order will be entered.



The Honorable Maryellen Norieka
United States District Judge

December 6, 2018
Wilmington, Delaware