

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

ARKEMA, INC.,

Plaintiff/Counter-defendant,

v.

CASE NO. 8:17-cv-57-T-26AEP

BULK RESOURCES, INC.,

Defendant/Counter-claimant.

_____ /

ORDER

UPON DUE AND CAREFUL CONSIDERATION of the parties' submissions, it is **ORDERED AND ADJUDGED** that Arkema's Motion to Dismiss Bulk Resources' Indemnification-Related Counterclaims (Dkt. 30) is **denied**. After review of the relevant cases cited by the parties, including the ones issued by this Court in this and other cases, together with the allegations of counts I and III of Bulk Resources' counterclaim, the Court agrees with Bulk Resources' contention that within the context of a contractual claim for indemnification there is a universe of difference between whether a claim for such indemnification is ripe for a decision and whether the filing of a such a claim for indemnification is premature. The Court agrees in that regard with Judge Moody's decision in BP Prods. N. Am., Inc. v. Giant Oil, Inc., 545 F. Supp. 2d 1257, 1260 (M.D. Fla. 2008) that "contractual indemnity actions can be filed prior to judgment in the underlying action." (Citations omitted.) Arkema shall file its answer and

defenses to counts I and III of Bulk Resources' counterclaim **within fourteen (14) days** of this order.

DONE AND ORDERED at Tampa, Florida, on June 1, 2017.

s/Richard A. Lazzara

RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE

COPIES FURNISHED TO:
Counsel of Record