

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

PATRICIA G. MATHERNE

CIVIL ACTION

VERSUS

NO. 13-3936

IPC NEW ORLEANS I, LLC, ET AL.

SECTION "N" (2)

**ORDER AND REASONS**

Presently before the Court is a motion for declaratory judgment (R. Doc. 78) filed by Defendant ABM Security Services, Inc. (hereinafter "ABM"). On the showing made, **IT IS ORDERED** that ABM's motion is **DENIED**. An order of dismissal (R. Doc. 69) was entered in this matter on May 20, 2014, based on a settlement of all pending claims. Thereafter, upon request of the parties, including Defendant ABM, the Court entered orders of dismissals with prejudice on July 22, 2014 and August 13, 2014. See R. Docs. 74 and 77. No motion is pending before the Court asking that any of those orders be set aside and the matter re-opened. Moreover, as reflected in ABM's April 8, 2014 memorandum filed in support of its motion seeking to continue trial, no cross-claim was ever filed in this matter (see R. Docs. 39 and 39-1, p. 2),<sup>1</sup> and now is not the time to do so. Any declaratory relief to which ABM may be entitled against Zurich American Insurance Company will have to be asserted in a separate, properly instituted lawsuit.

New Orleans, Louisiana, this 16th day of October 2014.



**KURT D. ENGELHARDT**  
United States District Judge

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<sup>1</sup> The parties' April 11, 2014 pre-trial order (Rec. Doc. 45) likewise does not reflect the existence of any cross-claims.