

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

CHAMBERS OF  
J. FREDERICK MOTZ  
UNITED STATES DISTRICT JUDGE

101 WEST LOMBARD STREET  
BALTIMORE, MARYLAND 21201  
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September 18, 2017

MEMO TO COUNSEL RE: XL INSURANCE AMERICA, INC. v.  
KALREUTH ROOFING AND SHEET METAL  
Civil No. JFM-17-384

Dear Counsel:

I have reviewed the memoranda submitted in connection with Architecture Inc.'s motion to dismiss the third party complaint (document 60). The motion is denied.

I am satisfied that the third-party complaint sufficiently states claims for indemnity and contribution. The indemnity claim may be somewhat weak but I am satisfied that, as argued by Kalkreuth, "Architecture's failure to adequately consider in the design process the impacts the design changes would have in the capacity of the Building's existing structural system" was "the primary cause of the structural failure."

A conference call will be held on September 28, 2017 at 4:15 p.m. to discuss the appropriate schedule in this case. I ask counsel for plaintiff to initiate the call.

Enclosed is a tentative scheduling order with approximate dates for your information. Please consult with one another before the call and be prepared to discuss whether you would like to participate in a settlement conference either before or after the completion of discovery, any changes to the dates in the form scheduling order, and whether there is unanimous consent to proceed before a U.S. Magistrate Judge for all proceedings.

Also enclosed is a letter regarding a call-in hour program for the resolution of discovery disagreements.

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Very truly yours,



J. Frederick Motz  
United States District Judge

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UNITED STATES DISTRICT COURT