

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Dartmouth Hitchcock Medical Center

v.

Civil No. 09-cv-160-JD

Cross Country Travcorps, Inc. d/b/a
Cross Country Staffing and CHG Medical
Staffing, Inc. d/b/a RN Network

Procedural Order

DHMC brings a claim of indemnification under the "Healthcare Staffing Vendor Management Agreement" and a claim for contribution, pursuant to RSA 507:7-f, for the damages DHMC paid to the plaintiffs in Aumand v. Dartmouth Hitchcock Medical Center, No. 06-cv-434-JL. A briefing schedule has been established to address the scope of the issues and evidence for trial. In addition, DHMC shall file a memorandum to address, specifically, the scope of its indemnity claim and its contribution claim, with citations to applicable authority, and the defendants shall file a response. See, e.g., Restatement, Third, Torts, Apportionment of Liability, §§ 22 and 23; Goudreault v. Kleeman, 158 N.H. 236 (2009); Everitt v. Gen. Elec. Co., 156 N.H. 202 (2007); DeBenedetto v. CLD Consulting Eng'rs, Inc., 153 N.H. 793 (2006); Rodgers v. Colby's Ol' Place, Inc., 148 N.H. 41 (2002). The parties shall address the following issues:

- (1) whether the indemnity and contribution claims are coextensive for purposes of the jury's allocation of fault, or
- (2) whether the claims are different and would require the jury to make separate allocation analyses; and
- (3) if the claims are different, whether DHMC will pursue both at trial or will elect to proceed under one claim or the other, and
- (4) if the claims are different and DHMC elects to pursue both claims at trial, how the case will be presented to avoid jury confusion.

DHMC shall file its memorandum by May 5, 2011, and the defendants shall file their response or responses by May 16, 2011.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

April 11, 2011

cc: Andrew D. Dunn, Esquire
Ronald J. Lajoie, Esquire
Anil Madan, Esquire
Joseph Gardner Mattson, Esquire
Ralph Suozzo, Esquire