

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

DERRICK WHEATT, <i>et al.</i> ,	:	CASE NOS. 1:17-CV-377 &
	:	1:17-CV-611 (consolidated)
Plaintiffs,	:	
	:	
vs.	:	ORDER
	:	[Doc. <a href="#">414</a> ]
CITY OF EAST CLEVELAND, <i>et al.</i> ,	:	
	:	
Defendants.	:	

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On April 17, 2020, Plaintiffs renewed their motion for judgment on their indemnification claim against the City of East Cleveland.<sup>1</sup> Defendants opposed.<sup>2</sup>

On August 18, 2020, the Court ordered the City of East Cleveland to state whether the City of East Cleveland has agreed to indemnify and hold Defendants Perry<sup>3</sup> and Johnstone harmless from Plaintiff's judgment.<sup>4</sup> The Court further ordered that "[a]fter receipt of response to this Order, if Plaintiffs believe indemnification arguments remain, Plaintiffs shall file a response by Friday, August 21, 2020 at 4:00 PM."<sup>5</sup>

On August 21, 2020, the City of East Cleveland filed a document stating its agreement to indemnify the Defendants Perry and Johnstone from Plaintiffs' Judgment.<sup>6</sup> Plaintiffs did not respond.

<sup>1</sup> Doc. [414](#).

<sup>2</sup> Doc. [415](#); Doc. [424](#); Doc. [425](#).

<sup>3</sup> Defendant Michael Perry passed away on December 9, 2018. Doc. [393](#). On October 22, 2019, the Court substituted Karen Perry, as Executor of Michael Perry's Estate, as the Defendant in place of Michael Perry. Doc. [404](#).

<sup>4</sup> Doc. [426](#).

<sup>5</sup> *Id.*

<sup>6</sup> Doc. [427](#).

Case Nos. 1:17-cv-377 & 1:17-cv-611  
Gwin, J.

In view of East Cleveland's agreement to indemnify Perry and Johnstone and Plaintiffs' nonresponse, the Court **DENIES** Plaintiffs renewed motion for judgment on their indemnification claim against the City of East Cleveland as moot.

IT IS SO ORDERED

Dated: August 24, 2020

*s/ James S. Gwin*  
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JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE