

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

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CLERK

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JOSEPH P. LITTLEJOHN,)
))
Plaintiff,))
))
v.))
))
TIMBERQUEST PARK AT MAGIC, LLC,)
and CORPORATE CHALLENGE, INC.,)
d/b/a ADVENTURE MÁS,))
))
Defendants.))

Case No. 5:14-cv-200

OPINION AND ORDER
(Doc. 109)

Pursuant to Rule 60(a) of the Federal Rules of Civil Procedure, Defendant TimberQuest Park at Magic, LLC (“TimberQuest”) moves the court to correct a clerical mistake contained in the court’s February 9, 2016 Opinion and Order. In that order, the court determined that the recent decision of *Katz v. Cellco P’ship*, 794 F.3d 341 (2d Cir. 2015) required the court to amend an earlier order dismissing all of Plaintiff’s claims against TimberQuest, as well as TimberQuest’s indemnity claim against co-defendant Corporate Challenge, Inc. (*See* Doc. 106 at 8–9; *see also* Doc. 67 at 14.) Pursuant to *Katz*, the court’s February 9, 2016 order reinstated and stayed “all claims against TimberQuest pending the outcome of arbitration,” (doc. 106 at 9), but did not explicitly state that TimberQuest’s cross-claim for indemnity was also reinstated. This was an oversight. Accordingly, TimberQuest’s Motion to Correct Order of February 9, 2016 Pursuant to Rule 60(a) (Doc. 109) is GRANTED and TimberQuest’s indemnity claim is reinstated and stayed pending the outcome of arbitration.

Dated at Rutland, in the District of Vermont, this 9th day of March, 2016.



Geoffrey W. Crawford, Judge
United States District Court