UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PT (PERSERO) MERPATI AIRLINES	)	
	)	
Plaintiff,	)	
	)	
v.	)	**Civ. Case No. 07-1701 (RJL)**
	)	
HUME & ASSOCS., PC, *et al.*,	)	
	)	
Defendants.	)	

MEMORANDUM ORDER
(June 18, 2009) [#35 and #36]

Plaintiff filed suit against defendants Hume, Hume & Associates, and Cooper, on September 24, 2007. In response, defendant Hume ("cross plaintiff") filed a crossclaim against Hume & Associates and Cooper ("cross defendants") on March 4, 2008. The crossclaim seeks indemnification, including attorney's fees and costs, should plaintiff be awarded a judgment. Crossclaim ¶ 14. Plaintiff was never awarded a judgment because, on February 4, 2009, plaintiff's case was dismissed without prejudice for want of prosecution. Subsequently, Hume filed a Motion for Default Judgment on Crossclaim [Dkt. # 35] on February 5, 2009, and cross defendants filed a Motion to Dismiss Hume's Crossclaim [Dkt. # 36] on February 9, 2009.

Because the plaintiff's case has been dismissed, Hume's crossclaim for indemnification and attorney's fees is DISMISSED as moot. *See, e.g.*, *Threshermen's Mut. Ins. Co. v. Wallingford Mut. Ins. Co.*, 26 F.3d 776, 780 (7th Cir. 1994) (dismissing as moot a cross plaintiff's crossclaim against a cross defendant once the plaintiff's claim

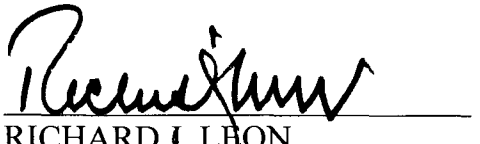
against cross plaintiff was dismissed); *McGrath v. Poppleton*, 550 F.Supp.2d 564, 570 n.10 (D. N.J. 2008) (noting that a cross plaintiff's crossclaims "obviously became moot" when claims against the cross plaintiff were dismissed); *Inside Scoop, Inc v. Curry*, 755 F.Supp. 426, 434 (D.D.C. 1989) (dismissing as moot a cross plaintiff's crossclaim once judgment was entered in favor of cross plaintiff). Indeed, the one case Hume cites to support his continued pursuit of attorney's fees, despite dismissal of plaintiff's underlying claim, is not applicable because it addresses interpretation of a particular contractual indemnification provision not at issue here. *United States v. GTS Admiral William Callaghan*, 643 F.Supp. 1483 (S.D.N.Y. 1986).

Thus, for the forgoing reasons, it is hereby

ORDERED that defendant/cross plaintiff's Motion for Default Judgment on Crossclaim [Dkt. #35] is DENIED; and it is further

ORDERED that the Motion to Dismiss Crossclaim of Robert T. Hume [Dkt. #36] is GRANTED.

SO ORDERED.



RICHARD J. LEON
United States District Judge