

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

MARY E. ALBERT	:	
Plaintiff	:	
	:	
v.	:	CIVIL ACTION NO.
	:	3:04-cv-2100 (JCH)
HUSTEDT HYUNDAI, INC. and	:	
HYUNDAI MOTOR FINANCE	:	
COMPANY,	:	
Defendants.	:	MAY 16, 2006

**RULING ON HYUNDAI MOTOR FINANCE COMPANY’S MOTION FOR SUMMARY
JUDGMENT UPON CROSS-CLAIM [Doc. No. 48]**

The parties in this matter have settled all claims except the cross-claim that defendant Hyundai Motor Finance Company (“HMFC”) has brought against defendant Hustedt Hyundai, Inc. (“Hustedt”). HMFC now moves for summary judgment on this cross-claim for breach of contract. Although the court granted Hustedt’s motion for an extension of time in which to respond to HMFC’s motion, the extended filing deadline passed in December, and Hustedt has filed no opposition.

HMFC seeks \$43,432.01 in damages in addition to contractual interest and attorney’s fees accruing after October 28, 2005. The figure of \$43,432.01 includes the amount still owed to HMFC under its contract with Albert, plus attorneys’ fees accrued through October 27, 2005. The court finds this amount to be reasonable in light of HMFC’s contract with Hustedt, which requires Hustedt to repurchase Albert’s contract from HMFC and to indemnify HMFC against Albert’s suit, and in light of the court’s experience. See also Great Northern Ins. Co. v. Interior Const. Corp., 796 N.Y.S.2d 51 (A.D. 2005) (holding that indemnification agreements allocating the risks of third-party liability between two sophisticated parties are enforceable under New York law); Tokio

Marine & Fire Ins. Co., Ltd. v. Borgia, 783 N.Y.S.2d 629 (A.D. 2004) (holding that indemnification provision in lease was valid and enforceable).

After review of this motion, the court GRANTS HMFC's motion for summary judgment, absent objection and for good cause shown. If HMFC has accrued any additional attorney's fees in relation to this matter since October 28, 2005, it may file proof of these fees within twenty days of this Ruling. Hustedt is granted twenty days following such submission by HMFC to respond to HMFC's new submission only. The court will then enter judgment in the amount of \$43,432.01, plus contractual interest and attorney's fees accruing after October 28, 2005.

SO ORDERED.

Dated at Bridgeport, Connecticut this 16th day of May, 2006.

/s/ Janet C. Hall

Janet C. Hall
United States District Judge