



---

2007 Decisions

Opinions of the United  
States Court of Appeals  
for the Third Circuit

---

11-16-2007

# Cemex Inc v. Ind Contr Erecting

Precedential or Non-Precedential: Non-Precedential

Docket No. 06-3515

Follow this and additional works at: [http://digitalcommons.law.villanova.edu/thirdcircuit\\_2007](http://digitalcommons.law.villanova.edu/thirdcircuit_2007)

---

## Recommended Citation

"Cemex Inc v. Ind Contr Erecting" (2007). *2007 Decisions*. 210.  
[http://digitalcommons.law.villanova.edu/thirdcircuit\\_2007/210](http://digitalcommons.law.villanova.edu/thirdcircuit_2007/210)

This decision is brought to you for free and open access by the Opinions of the United States Court of Appeals for the Third Circuit at Villanova University Charles Widger School of Law Digital Repository. It has been accepted for inclusion in 2007 Decisions by an authorized administrator of Villanova University Charles Widger School of Law Digital Repository. For more information, please contact [Benjamin.Carlson@law.villanova.edu](mailto:Benjamin.Carlson@law.villanova.edu).

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

Nos. 06-3515

---

CEMEX INC.,  
Appellant

v.

INDUSTRIAL CONTRACTING  
AND ERECTING, INC.,  
Defendant/Third-Party Plaintiff

v.

MINSERCO, INC.,  
Third-Party Defendant

No. 06-3587

---

CEMEX, INC.

v.

INDUSTRIAL CONTRACTING  
AND ERECTING, INC.,  
Defendant/Third-Party Plaintiff

v.

MINSERCO, INC.,  
Third-Party Defendant

Industrial Contracting and Erecting, Inc.,  
Appellant

---

Appeals from the United States District Court  
for the Western District of Pennsylvania  
(D.C. Civil No. 02-cv-01240)  
District Judge: Honorable Terrence F. McVerry

---

Submitted Under Third Circuit LAR 34.1(a)  
October 30, 2007

Before: RENDELL and NYGAARD, Circuit Judges,  
and VANASKIE\*, District Judge.

(Filed November 16, 2007)

---

OPINION OF THE COURT

---

RENDELL, *Circuit Judge*.

Cemex, Inc. (Cemex) appeals from an order entered by the District Court granting defendant Industrial Contracting and Erecting, Inc.'s (ICE) motion for summary judgment. Cemex raises two arguments on appeal. First, Cemex asserts that the District Court erred in holding that Cemex is collaterally estopped from pursuing its property damage claims against ICE as a result the jury's findings in *Carcaise v. Cemex, Inc. v. ICE*, No. CA 01-00859 (W.D. Pa. May 16, 2005). Second, Cemex argues that the District Court erred in concluding that the doctrine of *res judicata* served to bar Cemex's claims against ICE. ICE cross-appeals, requesting that should we reverse the grant of

---

\*Honorable Thomas I. Vanaskie, Judge of the United States District Court for the Middle District of Pennsylvania, sitting by designation.

summary judgment in its favor, we reverse an order entered by the District Court granting third-party defendant Minserco Inc.'s motion for summary judgment.

We agree with the District Court that the issues raised here were essentially decided in *Carcaise*. Accordingly, for the reasons set forth in the District Court's well-reasoned opinion, we will affirm the District Court's orders granting ICE's motion for summary judgment and Minserco Inc.'s motion for summary judgment.