

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
DIANNA JOHNSON, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	Civil Action No: 02-2364 (RMC)
v.)	
)	
DISTRICT OF COLUMBIA, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

**DISTRICT OF COLUMBIA’S CROSS-CLAIM AGAINST TODD DILLARD IN HIS
INDIVIDUAL AND OFFICIAL CAPACITY**

Plaintiffs filed their Second Amended Complaint against the District of Columbia on May 24, 2007, for injuries sustained when they were subjected to alleged unconstitutional strip searches and seizures, as set forth in their Second Amended Complaint. The District of Columbia files this cross-claim against Todd Dillard under Fed. Civ. P. Rule 13(g) and states as follows:

1. Plaintiffs have sued Todd Dillard, in his individual and official capacities, the United States Marshals Service, and the District of Columbia under the theory that the defendants caused them (separately and concurrently) to be subjected strip searches at the D.C. Superior Court cellblock in violation of the 4th and 5th amendments. *See* Second Amended Complaint, generally. On February 8, 2008, the Court dismissed the United States Marshals Service as a party to this lawsuit. *See* Docket #158.

2. The District denies that the plaintiffs are entitled to recover at all. However, in the event that plaintiffs secures a judgment against defendant District of Columbia, the District is

entitled to contribution and/or indemnification from co-defendant Todd Dillard for any sums, plus interest and costs, adjudged against it in favor of the plaintiffs since the actions of the co-defendant were the proximate cause of plaintiffs injuries and damages, and any attributable acts of the District of Columbia were passive and secondary under plaintiff's theory of joint liability and/or secondary liability. Specifically, it is alleged that the co-defendant violated the 4th and 5th amendments by instituting and implementing a policy which subjected the plaintiffs, all women, to strip searches without individualized suspicion. The co-defendant is liable to the District for all, or part of the claims asserted by the plaintiff against the District of Columbia in this action, by virtue of his practice and policy.

3. Furthermore, the District is entitled to contribution and/or indemnification from co-defendant Todd Dillard, to the extent Todd Dillard breached any duty owed to the District, contractual or otherwise, express or implied, that proximately caused the plaintiffs' injuries and damages.

4. Both contribution and indemnity are available forms of relief under the laws of the District of Columbia. *See Grogan v. General Maintenance Service Co.*, 763 F.2d 444, 449 (D.C. Cir.1985), *Rose v. Hakim*, 335 F. Supp. 1221, 1231-33 (D.D.C 1971).

WHEREFORE, should judgment be returned in favor of plaintiffs and against the District of Columbia, this defendant and cross-claimant demands contribution and/or indemnity against co-defendant Todd Dillard in both his individual and official capacities. To the extent the Court dismisses Todd Dillard in his official capacity, the District reserves the right to file a third party action against Todd Dillard in his official capacity or any other party for the reasons articulated herein.

Respectfully submitted,

