

NOT PRECEDENTIAL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.