

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 11-02078-RGK (JCGx)	Date	May 18, 2012
Title	XL SPECIALTY et al. v. MICHAEL W. PERRY et al.		

Present: The Honorable	R. GARY KLAUSNER, UNITED STATES DISTRICT JUDGE		
Sharon L. Williams	Not Reported	N/A	
Deputy Clerk	Court Reporter / Recorder	Tape No.	
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:		
Not Present	Not Present		

Proceedings: (IN CHAMBERS) Order to Show Cause as to Whether This Case Should be Set for Court Trial

The right to trial by jury in an action for declaratory relief depends on the nature of the underlying relief sought. *Beacon Theatres, Inc. v. Westover*, 359 U.S. 500, 504 (1959). It appears to the Court as if the claims and counterclaims in this case ask for a remedy akin to specific performance. It does not appear to the Court that any of the parties on any of the claims or counterclaims seek monetary damages. Therefore, this suit appears equitable in nature and thus the Seventh Amendment's right to a jury trial may not be applicable. See *Tull v. United States*, 481 U.S. 412, 417 (1987).

The parties are therefore ordered to **show cause in writing of no more than ten pages by noon on Thursday, May 31, 2012** as to why this case should not be set for a court trial.

IT IS SO ORDERED.

Initials of Preparer	_____ : _____ slw
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