

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 18-0196 FMO (FFMx)	Date	February 8, 2018
Title	Scottsdale Indemnity Company v. Maury Burns, et al.		

Present: The Honorable	Fernando M. Olguin, United States District Judge		
	<u>Vanessa Figueroa</u>		<u>None Present</u>
	Deputy Clerk		Court Reporter / Recorder
	Attorneys Present for Plaintiff:		Attorneys Present for Defendants:
	None Present		None Present

Proceedings: (In Chambers) Further Order to Show Cause Re: Dismissal or Stay

On January 9, 2018, Scottsdale Indemnity Company (“plaintiff” or “Scottsdale”) filed a Complaint (“Complaint”) in this court seeking declaratory relief and rescission against Maury Burns, Planaria J. Price, William J. Heffernan, 4PM LLC, Maureen Kelly Pearson, individually and as guardian ad litem for Sullivan Morris Pearson, a minor, and Brandon Jeremy Pearson. (See Dkt. 1, Complaint.)

Under the Declaratory Judgment Act, 28 U.S.C. § 2201(a), a district court may decline to entertain a declaratory judgment action even if the court has subject matter jurisdiction. See Wilton v. Seven Falls Co., 515 U.S. 277, 288, 115 S.Ct. 2137, 2143 (1995) (“a district court is authorized, in the sound exercise of its discretion, to stay or dismiss an action seeking a declaratory judgment[.]”); Brillhart v. Excess Ins. Co. of Am., 316 U.S. 491, 494, 62 S.Ct.1173, 1175 (1942) (“Although the District Court had jurisdiction of the suit under the Federal Declaratory Judgments Act . . . it was under no compulsion to exercise that jurisdiction.”). In addition, the court has broad discretion to dismiss or stay a declaratory relief claim, but that discretion is not unfettered. See Gov’t Employees Ins. Co. v. Dizon, 133 F.3d 1220, 1223 (9th Cir. 1998) (en banc).

Accordingly, the court, on its own motion, orders plaintiff to show cause in writing on or before **February 15, 2018**, why this action should not be dismissed or stayed. Pursuant to Fed. R. Civ. P. 78(b), the court finds that this matter is appropriate for submission without oral argument. Failure to file a timely response to this Order to Show Cause may result in the action being dismissed for lack of prosecution and for failure to comply with the orders of the court, pursuant to Local Rule 41.

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 Initials of Preparer vdr
