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8 **United States District Court**
9 **Central District of California**
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11 JAMES DICKEY, INC.,

12 Plaintiff,

13 v.

14 ALTERRA AMERICA INSURANCE
15 COMPANY, AND DOES 1–20,
16 INCLUSIVE,

17 Defendant.
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Case No. 5:15-cv-0963-ODW(DTB)

**ORDER GRANTING
DEFENDANT’S MOTION TO
COMPEL APPRAISAL AND TO
STAY THE ACTION [32]**

19 Plaintiff James Dickey, Inc. (“Dickey”) brought suit against Defendant Alterra
20 America Insurance Company (“AAIC”) for alleged breach of contract and tortious
21 breach of the implied covenant of good faith and fair dealing, and also seeks
22 declaratory relief. (First Amendment Complaint (“FAC”), ECF No. 29). Plaintiff’s
23 Complaint was originally filed in the San Bernardino Superior Court on March 23,
24 2015. (Notice of Removal, ECF No. 1, Ex. A Compl.) Defendants timely removed
25 the action to federal court on May 15, 2015. (Notice of Removal, ECF No. 1).

26 At issue is a dispute over an insurance claim for tools stolen from Dickey’s
27 equipment yard during a break-in. (Motion, ECF No. 32 1). Defendant seeks to
28 compel Dickey to submit to an appraisal of the stolen tools and to stay the case until

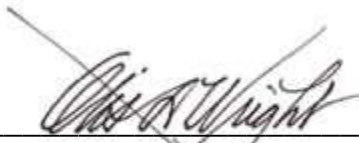
1 the appraisal process is complete. (*Id.*)

2 Defendant filed this motion on October 7, 2015, with a hearing date set for
3 November 9, 2015. (*Id.*) Should Dickey wish to oppose this motion, this opposition
4 was due October 19, 2015. To date, the Court has received no opposition.

5 Where a party does not oppose a Motion, the Court may grant it. *See* Local
6 Rule 7-9, 7-12; *cf. Nomura v. Amazon.com, Inc.*, No. C-11-01210 HRL, 2013 WL
7 4928229, at *3 (N.D. Cal. Sept. 12, 2013) (“Nonopposition alone is sufficient to grant
8 [a] motion”). Therefore, the Court **GRANTS** Defendant’s Motion to Compel
9 Appraisal and to Stay the Action until the appraisal process is complete.

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11 **IT IS SO ORDERED.**

12
13 October 21, 2015

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16 **OTIS D. WRIGHT, II**
17 **UNITED STATES DISTRICT JUDGE**
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