

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NAVIGATORS INSURANCE COMPANY,

Plaintiff,

v.

DIALOGIC INC. formerly known as VERAZ
NETWORKS INC. and DOES 1-50

Defendants.

Case No. 13-cv-05954-RMW

**ORDER RE: SUPPLEMENTAL
BRIEFING**

[Re Docket No. 11]

Defendant Dialogic Inc. (“Dialogic”) moves to dismiss plaintiff Navigators Insurance Company’s (“Navigators”) complaint for failure to join a necessary party under Federal Rule of Civil Procedure 12(b)(7). Dkt. No. 11. On May 2, 2014 the court held a hearing on the motion to dismiss. At the hearing, Navigators argued that Dialogic had not submitted sufficient evidence showing that nonparties Liberty Insurance Underwriters Inc. (“Liberty”) and W.R. Berkley Corporation (“Berkley”) would destroy the court’s diversity jurisdiction if joined. Navigators did not make this argument in its briefing, and Dialogic indicated it could submit declarations from Liberty and Berkley to establish their corporate citizenship. Accordingly, the court orders Dialogic to submit a declaration(s) establishing the corporate citizenship of the Liberty and Berkley companies that issued the insurance policies at issue in this case by May 15, 2014. Dialogic may

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submit a 2 page brief accompanying the declaration(s). Navigators may submit a 5 page response to the declaration(s) by May 26, 2014. The court will then decide the motion on the papers.

IT IS SO ORDERED.

Dated: May 5, 2014



Ronald M. Whyte
United States District Judge