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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA,

Plaintiff,

v.

KALWALL CORPORATION, et al.,

Defendant.

Case No. 10cv856 BTM (BGS)

**ORDER RE ORDER TO SHOW
CAUSE**

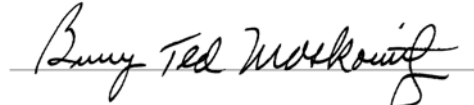
Plaintiff has responded to the Court’s order to show cause regarding whether diversity jurisdiction exists and whether the Court should exercise its discretion to hear this declaratory judgment action. Based on the representations of Plaintiff’s counsel, the state of incorporation for each Defendant and the state where each Defendant has its principal place of business is a different state than where Plaintiff is incorporated and has its principal place of business. Therefore, the Court is satisfied that the parties are completely diverse and the Court has jurisdiction under 28 U.S.C. § 1332. The Court **ORDERS** Plaintiff to file an Amended Complaint which includes allegations regarding the parties’ principal place of business. Plaintiff must file its Amended Complaint within fourteen days of the filing of this order.

Additionally, the Court exercises its discretion to hear this action. *See Gov’t Emps.*

1 *Ins. Co. v. Dizol*, 133 F.3d 1220, 1225 (9th Cir. 1998) (en banc) (court has discretion to
2 entertain declaratory actions involving same parties and issues). The issues in this case are
3 different from those in the underlying state case, and this case is not in any way dependent
4 upon the outcome of any rulings in the state case. Therefore, no purpose is served by not
5 exercising jurisdiction or staying this case.

6 **IT IS SO ORDERED.**

7 DATED: July 21, 2010



Honorable Barry Ted Moskowitz
United States District Judge

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