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7 UNITED STATES DISTRICT COURT  
8 SOUTHERN DISTRICT OF CALIFORNIA  
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10 NATIONAL CASUALTY COMPANY,  
11 Plaintiff,  
12 v.  
13 NATIONAL STRENGTH AND  
14 CONDITIONING ASSOCIATION,  
15 Defendant.

Case No.: 18-CV-1292 JLS (KSC)

**ORDER REQUESTING  
SUPPLEMENTAL BRIEFING**

(ECF No. 9)

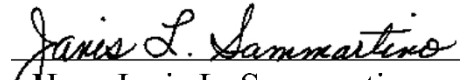
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17 Presently before the Court is Defendant and Counterclaimant National Strength and  
18 Conditioning Association's (the "NSCA") Motion to Dismiss or Stay Pending Resolution  
19 of the Underlying State and Federal Lawsuits ("Mot.," ECF No. 9). In reviewing the  
20 Motion and all related documents filed by the Parties, the Court finds supplemental briefing  
21 would be helpful. Specifically, the Court takes judicial notice of the fact that the NSCA  
22 voluntarily dismissed *NSCA v. Glassman*, No. 37-2016-00014339-CU-DF-CTL (Cal.  
23 Super. filed May 2, 2016) (the "State Lawsuit") on December 3, 2018,<sup>1</sup> following the close  
24 of briefing on the instant Motion. The Court therefore **ORDERS** that each party file a  
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27 <sup>1</sup> The Court can *sua sponte* take judicial notice of the docket of the underlying State Lawsuit. *See, e.g.,*  
28 *Headwaters, Inc. v. U.S. Forest Serv.*, 399 F.3d 1047, 1051 n.3 (9th Cir. 2005) (holding that courts may  
take judicial notice of the docket in related cases because materials from a proceeding in another tribunal  
are appropriate for judicial notice)).

1 supplemental brief, not to exceed ten (10) pages, on or before January 10, 2019, addressing  
2 the effect, if any, of the dismissal of the State Lawsuit on the NSCA's Motion.

3 **IT IS SO ORDERED.**

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5 Dated: December 27, 2018

  
6 Hon. Janis L. Sammartino  
7 United States District Judge  
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