

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

WESTERN WORLD INSURANCE
COMPANY,

Plaintiff,

v.

Case No. 6:14-cv-1208-Orl-37DAB

MELVIN RODNEY ALLEN; CHABAD
LUBAVITCH OF GREATER
DAYTONA, INC.; PINCHAS EZAGUI;
IGOR NIKOMAROV; EDWARD
PEKARSY; and AVI DAHAN,

Defendants.

ORDER

This cause is before the Court on Plaintiff, Western World Insurance Company's, Motion to Be Relieved of the Obligation to File a Joint Case Management Report on or Before January 26, 2015 (Doc. 32), filed January 23, 2015. In its motion, Plaintiff represents that its underlying state-court lawsuit has settled, mooted this declaratory judgment action. (*See id.* ¶¶ 4–5.) Plaintiff accordingly seeks relief from the parties' obligation to file a joint case management report. (*See id.* ¶ 5.)

As a threshold matter, Plaintiff's motion lacks a certification addressing whether the parties have conferred and agreed on Plaintiff's requested relief, which Local Rule 3.01(g) requires. (*See id.*) The motion is therefore due to be denied for noncompliance with the Court's Local Rules.

More pointedly, if Plaintiff's representations are accurate and this declaratory judgment action has indeed become moot, then the appropriate procedure would be to either file a joint stipulation of dismissal signed by all parties who have appeared,

see Fed. R. Civ. P. 41(a)(1)(A)(ii), or to move for voluntary dismissal by Court Order, see Fed. R. Civ. P. 41(a)(2).

Accordingly, it is hereby **ORDERED AND ADJUDGED**:

1. Plaintiff, Western World Insurance Company's, Motion to Be Relieved of the Obligation to File a Joint Case Management Report on or Before January 26, 2015 (Doc. 32) is **DENIED**.
2. On or before Friday, January 30, 2015, Plaintiff is **DIRECTED** to either:
 - (1) confer with Defendants and file a joint case management report; or
 - (2) submit an appropriate voluntary dismissal filing under Federal Rule of Civil Procedure 41.

DONE AND ORDERED in Chambers in Orlando, Florida, on January 27, 2015.



ROY B. DALTON JR.
United States District Judge

Copies:

Counsel of Record