

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
PANAMA CITY DIVISION**

**SHORES OF PANAMA RESORT  
COMMUNITY ASSOCIATION, INC.,  
A Florida non-profit corporation,**

**Plaintiff,**

v.

**CASE NO. 5:14-cv-294-RS-GRJ**

**SOLLY HALBERTHAL, ISERE HALBERTHAL,  
JOSHUA OSTREICHER, and JAY GLATTER,**

**Defendants.**

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**ORDER**

Before me is the Defendants’ Motion for Abstention (Doc. 53). Under the *Colorado River* doctrine, a federal court may choose to abstain from exercising jurisdiction where there are parallel state proceedings. *See Colorado River Water Conservation Dist. v. U.S.*, 424 U.S. 800, 96 S. Ct. 1236 (1976). “The principles of this doctrine ‘rest on considerations of ‘[w]ise judicial administration, giving regard to conservation of judicial resources and comprehensive disposition of litigation’.” *Moorer v. Demopolis Waterworks and Sewer Board*, 374 F.3d 994, 997 (11th Cir. 2004) (*quoting Colorado River*, 424 U.S. at 817). The generally accepted test for determining whether proceedings are sufficiently “parallel” to warrant inquiry into whether abstention ought to be considered, is whether the

foreign proceedings “involve substantially the same parties and substantially the same issues.” *Ambrosia Coal and Construction Company v. Morales*, 368 F.3d 1320, 1330 (11th Circuit 2004).

The Defendants in this case are not parties to any of the three pending state court cases. Additionally, the claims in both cases are not identical. The claims being made in the state court cases seek declaratory and injunctive relief, breach of contract, and an ejectment claim against corporations. On the other hand, the claims in this case are for breach of fiduciary duty and civil conspiracy against the members of the board. Although the factual circumstances underlying the cases are the same, the parties and the issues are not substantially the same.

Accordingly, the relief requested in Defendants’ Motion for Abstention (Doc. 53) is **DENIED**

**ORDERED** on April 30, 2015.

/s/ Richard Smoak  
**RICHARD SMOAK**  
**UNITED STATES DISTRICT JUDGE**