

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**MT. HAWLEY INSURANCE
COMPANY**

CIVIL ACTION

VERSUS

NO. 20-2040

VCS, LLC

SECTION: "G"

ORDER AND REASONS

On July 17, 2020, Plaintiff Mt. Hawley Insurance Company ("Mt. Hawley") filed this declaratory judgment action against Defendant VCS, LLC ("VCS") in the United States District Court for the Eastern District of Louisiana.¹ Mt. Hawley issued an insurance policy (the "Policy") to VCS to provide coverage for a hotel owned by VCS in Slidell, Louisiana.² After VCS brought claims under the Policy for losses sustained due to the COVID-19 pandemic and unrelated water damage, Mt. Hawley filed this suit, seeking a declaratory judgment that (i) VCS is not entitled to damages under the terms of the Policy for losses suffered due to COVID-19 and (ii) Mt. Hawley has paid all amount due to VCS for the water damage.³

Thereafter, on November 23, 2020, VCS filed a petition against Mt. Hawley and several other defendants in the 24th Judicial District Court for the Parish of Jefferson, State of Louisiana, seeking damages for the aforementioned water damage and COVID-19 claims under the Policy.⁴

¹ Rec. Doc. 1.

² *Id.* at 2.

³ *Id.* at 12.

⁴ Case No. 21-92, Rec. Doc. 1-2.

On January 15, 2021, Mt. Hawley removed the case to this Court.⁵ On April 14, 2021, this Court remanded the action filed by VCS to state court.⁶

Before the Court is VCS’s “Motion to Abstain and Dismiss.”⁷ In the motion, VCS argues that in light of this Court’s April 14, 2021 Order remanding the case brought by VCS against Mt. Hawley, this Court should abstain from exercising jurisdiction over the instant action under *Brillhart v. Excess Insurance Co. of America*.⁸ Mt. Hawley filed a “Statement of No Opposition.”⁹ Accordingly,

IT IS HEREBY ORDERED that VCS, LLC’s “Motion to Abstain and Dismiss”¹⁰ is **GRANTED** and the above-captioned case is **DISMISSED WITHOUT PREJUDICE**.¹¹

NEW ORLEANS, LOUISIANA, this 13th day of July, 2021.



NANNETTE JOLIVETTE BROWN
CHIEF JUDGE
UNITED STATES DISTRICT COURT

⁵ Case No. 21-92, Rec. Doc. 1.

⁶ *VCS, LLC v. Mt. Hawley Ins. Co.*, No. 21-92, 2021 WL 1399879, at *1 (E.D. La. Apr. 14, 2021) (Brown, C.J.).

⁷ Rec. Doc. 17.

⁸ 316 U.S. 491 (1942).

⁹ Rec. Doc. 23.

¹⁰ Rec. Doc. 17.

¹¹ *See Geovera Specialty Ins. Co. v. Cantin*, No. 18-8608, 2019 WL 1979934, at *6 (E.D. La. May 3, 2019) (Barbier, J.).