

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**GEORGE J. KAFKA, JR.,**

**Plaintiff**

**v.**

**GLADYS C. HESS,**

**Defendant**

\* \* \* \* \*

**CIVIL NO. JKB-16-1757**

**MEMORANDUM AND ORDER**

This diversity action seeks a declaratory judgment as to rights and liabilities of the parties in relation to a parcel of property in Baltimore County, Maryland. (Compl., ECF No. 1.) It is the mirror image of *Hess v. Kafka*, Civ. No. JKB-16-2789 (D. Md.), which was filed subsequent to the instant case in Maryland state court and removed to this Court. Today, the Court has determined that Counts I and II of *Hess v. Kafka* must be dismissed for failure to state a claim; the Court has also denied Hess’s motion to remand, finding her remaining claims are essentially legal claims and, therefore, the Court may not abstain from exercising jurisdiction over the case.

Hess filed a motion to dismiss in the present case, also based on principles of abstention (ECF No. 4), but acknowledges that her motion to dismiss depends upon the Court’s granting her motion to remand *Hess v. Kafka* (Def.’s Reply 3). Since her remand motion is not being granted, and since the Court is retaining jurisdiction over this dispute in *Hess v. Kafka*, principles of “practicality and wise judicial administration” underlie the Court’s decision to deny the pending motion to dismiss. *See Wilton v. Seven Falls Co.*, 515 U.S. 277, 288 (1995).

Accordingly, IT IS HEREBY ORDERED:

1. Defendant's motion to dismiss (ECF No. 4) IS DENIED.
2. The parties SHALL ADVISE the Court by November 14, 2016, if they have any objection to consolidation of this case with 16-2789 and the basis for any such objection.
3. The Court will later set a date for responding to the complaint.

DATED this 28th day of October, 2016.

BY THE COURT:

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/s/  
James K. Bredar  
United States District Judge