

Foy v. SMA Ins.

CV-95-97-SD 02/03/97

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

James M. Foy

_____v.

Civil No. 95-97-SD

S.M.A. Insurance Agency, Inc.;
Jonathan Robinson, Receiver;
Jonathan Robinson, individually

O R D E R

The court is considering abstaining from the exercise of jurisdiction in this case on the basis of Younger v. Harris, 401 U.S. 37 (1971). As recently noted by the First Circuit, Younger abstention principles require a federal court to abstain from reaching the merits of a case over which it has jurisdiction when there is

(1) an ongoing state judicial proceeding, instituted prior to the federal proceeding (or, at least, instituted prior to any substantial progress in the federal proceeding), that (2) implicates an important state interest, and (3) provides an adequate opportunity for the plaintiff to raise the claims advanced in his federal lawsuit.

Brooks v. New Hampshire Supreme Court, 80 F.3d 633, 638 (1st Cir. 1996).

If they so choose, defendants shall have until 4:30 p.m. on Friday, February 21, 1997, to file a brief enlightening the court as to their position on this potentially dispositive issue; plaintiff shall have until 4:30 p.m. on Friday, February 28, 1997, if he elects to file a reply memorandum.

SO ORDERED.

Shane Devine, Senior Judge
United States District Court

February 3, 1997

cc: Gregory T. Uliasz, Esq.
Edward A. Haffer, Esq.
James E. Townsend, Esq.
Sidney Thaxter, Esq.