

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DOMINIC NOVAK, *et al.*,

Plaintiffs,

v.

DOUGLAS A. LINES, P.C., *et al.*,

Defendants.

Civil Action No. 11-468 (JMF)

MEMORANDUM ORDER

As indicated at the hearing held today, I wish counsel to brief more thoroughly the following questions:

1. Does this case present a case or controversy under Article III of the Constitution, or is the potential harm to be done by defendant Douglas A. Lines' prosecution of the case in the Commonwealth, Douglas A. Lines, P.C., *et al.* v. Patrick M. Regan, *et al.*, CL10-2380, too remote and hypothetical, such that this case is rendered non-justiciable?
2. Do Regan Zambri & Long, PLLC., and Patrick M. Regan, Esq., have standing, independent of plaintiff Dominic Novak, to prosecute this action?
3. Assuming for the sake argument that the Court has jurisdiction over the subject matter, should it nevertheless abstain from exercising that jurisdiction in light of the concurrent proceedings in the Commonwealth of Virginia? Parties are advised to consider the following cases: Colorado River Water Conservation Dist. v. United States, 424 U.S. 800 (1976), Handy v. Shaw, Bransford, Veilleux & Roth, 325 F.3d 346 (D.C. Cir. 2003), Reiman v. Bromley Smith, 12 F.3d 222

(D.C. Cir. 1993), 1443 Chapin Street, LP, v. PNC Bank, Nat'l Assoc'n, 718 F. Supp. 2d 78 (D.D.C. 2010).

It is, therefore, hereby

ORDERED that Defendant's Motion to Dismiss Plaintiffs' Complaint [#8] is **DENIED** without prejudice. It is further, hereby,

ORDERED that Plaintiffs' Request for Oral Argument Concerning Defendants' Motion to Dismiss [#10] is **DENIED** as moot. It is further, hereby,

ORDERED that defendants file a motion to dismiss for lack of jurisdiction over the subject matter and lack of standing, or, in the alternative, to abstain from exercising jurisdiction, by August 17, 2011. It is further, hereby,

ORDERED that plaintiffs file a response to defendants' motion to dismiss by September 2, 2011. It is further, hereby,

ORDERED that defendants file a reply by September 9, 2011. Finally, it is, hereby,

ORDERED that discovery is stayed in this case until the motion to dismiss has been resolved.

SO ORDERED.

JOHN M. FACCIOLA
UNITED STATES MAGISTRATE JUDGE