

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SA CV 17-0961-DOC (KESx)

Date: July 10, 2018

Title: FRANCES K. OPELLE V. DOUGLAS CRANE KNEUBUHL

PRESENT:

THE HONORABLE DAVID O. CARTER, JUDGE

Deborah Lewman
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFF:
None Present

ATTORNEYS PRESENT FOR
DEFENDANT:
None Present

**PROCEEDINGS (IN CHAMBERS): ORDER DENYING DEFENDANT’S
MOTION TO DISMISS OR STAY
[34]**

Before the Court is Douglas Crane Kneubuhl’s (“Defendant”) Motion to Dismiss or Stay (“Motion”) (Dkt. 34). Defendant moves to dismiss on the grounds that this action is duplicative of earlier filed litigation in American Samoa. *See generally* Mot. Defendant argues that the American Samoa case “will fully dispose of all of Plaintiff’s issues” in this action. Mot. at 5–6 n.2. Defendant moves in the alternative to stay the case until the resolution of Defendant’s Motion—before the High Court of American Samoa—to Enjoin Plaintiff Frances K. Opelle (“Plaintiff”) from Prosecuting Parallel Litigation in the Federal District Court for the Central District of California (i.e., the instant action). *Id.*; Reply (Dkt. 42) at 7–8.

On July 9, 2018, Plaintiff filed a Notice of Decision (Dkt. 44), which contains the High Court of American Samoa’s July 9, 2018 Order Denying Defendants’ Motion for Anti-Suit Injunction. A panel of the Acting Associate Justice, Chief Associate Judge, and Associate Judge of that court held as follows:

Clearly, the California complaint does not raise the same issues that Plaintiff has raised in this suit. True, the California litigation does

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include Plaintiff and [Douglas Crane Kneubuhl] as parties, and both lawsuits deal with the parties' interests in parcels of land that were gifted to them by their mother. But the similarities are not close enough to warrant the granting of an anti-suit injunction, which should be granted only with care and great restraint." *Canadian Filters Harwich v. Lear-Siegler, Inc.*, 412 F.2d 577, 578 (1st Cir. 1969). The current suit involves property in the Territory of American Samoa that was allegedly purchased from Plaintiff while she was under extreme duress. The alleged purchase in this suit must be analyzed pursuant to the Territory's unique statutes dealing with the ownership of land and the creation of land trusts for non-Samoan trust beneficiaries. On the other hand, the California litigation concerns land in Samoa and actions carried out by Defendant while in California. The resolution of the current suit will thus not be dispositive of the California litigation, which does not touch on any parties' rights to land in the Territory.

Order Denying Defendants' Motion for Anti-Suit Injunction at 6–7.

Thus, for the reasons stated in the High Court of American Samoa's Order, this Court DENIES Defendant's Motion to Dismiss this case on the basis that the litigation in American Samoa is not duplicative of this case. In addition, the Court DENIES AS MOOT Defendant's Motion to Stay the case pending resolution of Defendant's Motion to Enjoin.

The Clerk shall serve this minute order on the parties.

MINUTES FORM 11
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Initials of Deputy Clerk: djl