

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
EASTERN DIVISION

MINNESOTA LAWYERS MUTUAL)	
INS. CO.,)	
)	No. 15 cv 2008 EJM
Plaintiff,)	
vs.)	ORDER
)	
GALLAGHER, LANGLAS &)	
GALLAGHER, P.C., et al.,)	
)	
Defendants.)	

Before the court is the parties' joint Application for Order of Rescission of Policy 19. Denied.

This case is a dispute over whether plaintiff insurance company had a duty to defend and indemnify defendants under an insurance policy (Policy 19) issued to them. The parties in their Application state that they have now settled the case (para. 6), and "stipulate to rescission of Policy 19." Para. 7. They ask the court to order rescission of Policy 19, and to maintain jurisdiction for purposes of enforcing the Judgment.

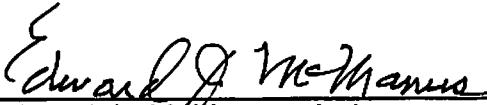
Local Rule 42(c) provides the procedure for ending a case once it has been settled. When a case has been settled, there is no longer a case or controversy, which must exist at all stages of the litigation. E.I.P. v. PI, 832 F.3d 899 (8th Cir. 2016.) This court therefore after settlement lacks jurisdiction to enter the relief the parties' request. Hollingsworth v. Perry, 133 S.Ct. 2652 (2013.) The parties' stipulation of rescission of Policy 19 is legally sufficient to rescind it; this court's order is neither necessary nor proper. Similarly with this court retaining jurisdiction after settlement for purposes of enforcing any judgment.

It is therefore

ORDERED

Denied. The Clerk shall deem this case settled under Local Rule 42(c.)

November 29, 2016



Edward J. McManus, Judge
UNITED STATES DISTRICT COURT