

6-9-1992

Selph v. Nelson, Reabe and Snyder, Inc.

Westlaw

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1992 WL 123361

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KeyCite Yellow Flag - Negative Treatment

Distinguished by [In re Mansfield Corp.](#), Bankr.D.Minn., March 16, 2006

966 F.2d 411

United States Court of Appeals,
Eighth Circuit.

Benjamin H. SELPH, individually; Bryan W.
Selph, individually; Selco, Inc., Benjamin
H. Selph and Bryan W. Selph d/b/a Days Inn
Hotel of Clarion, Pennsylvania, Appellants,

v.

NELSON, REABE AND SNYDER, INC., Appellee.

No. 91-2255.

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Submitted Jan. 7, 1992.

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Decided June 9, 1992.

Synopsis

Insureds brought suit against their insurance broker. The United States District Court for the Western District of Missouri, [Dean Whipple, J.](#), dismissed complaint on ground that insureds had previously filed an identical complaint in federal district court of another state. Insureds appealed. The Court of Appeals held that district court should have stayed action.

Reversed and remanded with instructions.

West Headnotes (1)

[1] **Action** Actions in different jurisdictions in general

Federal Courts Particular Cases, Contexts, and Questions

13 Action

13IV Commencement, Prosecution, and Termination

13k67 Stay of Proceedings

13k69 Another Action Pending

13k69(2) Actions in different jurisdictions in general

170B Federal Courts

170BX Personal Jurisdiction

170BX(A) In General

170Bk2707 Particular Cases, Contexts, and Questions

170Bk2708 In general

(Formerly 170Bk76.1, 170Ak1742(2),

170Ak1742.1)

District court should have stayed, rather than dismissed, complaint which was identical to plaintiffs' complaint filed in another state, where defendants had refused to stipulate to personal jurisdiction in other court and plaintiffs had filed complaint in forum court in order to ensure federal forum in which to litigate their cause of action.

11 Cases that cite this headnote

All Citations

966 F.2d 411