

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

INTERNATIONAL RESORT PROPERTIES,	:	CIVIL ACTION
LTD., d/b/a MOUNTAIN LAUREL RESORT	:	
& SPA and MOUNTAIN LAUREL RIDING	:	
STABLE,	:	
	:	
Plaintiff,	:	
	:	
v.	:	NO. 03-6232
	:	
	:	
EVA YANEZ,	:	
	:	
Defendant.	:	

**MEMORANDUM**

BUCKWALTER, S.J.

January 12, 2005

This case was closed on October 15, 2004 in accordance with this court's order of August 20, 2004.

On December 23, 2004, the plaintiff filed a motion for leave to file for summary judgment seeking in essence a declaratory judgment with regard to the validity of a form executed by *pro se* defendant.

It is not at all clear that this is a case of actual controversy within this court's jurisdiction. In fact, plaintiff alleges that defendant has instituted an underlying action in the Superior Court of New Jersey.

In any event, the act creating the remedy of declaratory judgment, 12 U.S.C. § 2201, leaves discretion with this court on whether to make a declaration. In this case, the court declines to do so. An order follows.

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Plaintiff,	:	
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	:	NO. 03-6232
v.	:	
	:	
	:	
EVA YANEZ,	:	
	:	
Defendant.	:	

**ORDER**

AND NOW, this 12<sup>th</sup> day of January, 2005, upon consideration of plaintiffs' motion for leave to file for summary judgment (Docket No. 6), it is hereby ORDERED that the motion is DENIED.

BY THE COURT:

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RONALD L. BUCKWALTER, S.J.