

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Wayne R. Andersen	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	09 C 1413	DATE	August 5, 2009
CASE TITLE	The Culver Educational Foundation vs. Michael X. Cronin et al.		

DOCKET ENTRY TEXT

This case is dismissed with prejudice.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

This case is before the court on plaintiff Culver Educational Foundation's motion for extension of time to file its response to defendants' motion to dismiss. Although the court initially granted plaintiff an extension, defendants filed an objection. Upon further review, the case dismissed.

When plaintiff Culver Educational Foundation filed its complaint in federal court against the Trustees of the Conserve School Trust and other defendants, there was litigation already pending concerning the Conserve School Trust in Wisconsin state court. *See Conserve Community LLC et al. v. Conserve School Corporation et al.*, No. 09 CV 54 (Vilas County, Wisconsin). Subsequent to filing its complaint in this court, Culver Educational Foundation was granted leave to intervene in the Wisconsin case and has actively participated in that case, including filing in the Wisconsin case all four of the claims it has alleged in its complaint in this court. There is no dispute that the subject matter in both cases involves the administration and disposition of the assets of the Conserve School Trust. Because Culver Educational Foundation seeks the res of a trust that is the subject of pending litigation in Wisconsin over which the Wisconsin court has prior jurisdiction, this court lacks subject matter jurisdiction. *See Princess Lida of Thurn and Taxis v. Thompson*, 305 U.S. 456 (1939).

This case is dismissed with prejudice.

Wayne Andersen