


1 On September 9, 2009, the Court issued an Order to Show Cause re Lack of
2 Jurisdiction. In light of its Order Denying Class Certification, the Court ordered
3 Defendants to respond in writing why the action should not be dismissed for lack of
4 subject matter jurisdiction. Plaintiffs were also given an opportunity to respond within the
5 same time period. Both Defendants and Plaintiffs timely responded on September 22,
6 2009.

7 The Court fully considered the arguments raised by both parties in favor of the
8 Court's retaining jurisdiction. Upon review of the facts, the Court found dismissal proper
9 based lack of complete diversity. Therefore, on September 30, 2009, the Court
10 dismissed the action in its entirety for lack of subject matter jurisdiction.

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12 **IT IS SO ORDERED.**

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14 DATE: October 16, 2009

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17 R. GARY KLAUSNER
18 UNITED STATES DISTRICT JUDGE
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