

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 10-1716 ODW (DTBx)	Date	9/15/2010
Title	<i>Thomas Hardy v. Mandalay Mortgage, LLC, et al.</i>		

Present: The Honorable Otis D. Wright II, United States District Judge

Raymond Neal	Not Present	n/a
Deputy Clerk	Court Reporter	Tape No.

Attorneys Present for Plaintiff(s):
Not Present

Attorneys Present for Defendant(s):
Not Present

Proceedings (In Chambers): Order to Show Cause Re: Diversity Jurisdiction

Currently before the Court is Defendant HSBC Mortgage Services, Inc.’s Motion to Dismiss Plaintiff’s First Amended Complaint [16]. Upon reviewing the motion and complaints, it became apparent that, although Plaintiff initially alleged federal claims (TILA), the amended complaint includes none. And, while the Court may technically adjudicate the remaining state-law claims, the Court is disinclined to do so in this instance, absent diversity jurisdiction. *See, e.g., Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 (1988) (“[W]hen the federal-law claims have dropped out of the lawsuit in its early stages and only state-law claims remain, the federal court should decline the exercise of [supplemental] jurisdiction.”) (citing *United Mine Workers of Am. v. Gibbs*, 383 U.S. 715, 726-27 (1966)).

Accordingly, given the absence of a live federal question, the parties are hereby ordered to brief the issue of whether complete diversity exists between the parties. The briefs shall be limited to five (5) pages and are due no later than **October 4, 2010**.

SO ORDERED

Initials of Preparer: : 00
RGN