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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

PATRICK NAZEMI, as trustee of the	)	Case No. CV 10-05093 DMG (FMOx)
NAZEMI LIVING TRUST dated	)	
November 13, 1998,	)	<b>ORDER TO SHOW CAUSE RE</b>
Plaintiff,	)	<b>REMAND TO STATE COURT</b>
v.	)	
WELLS FARGO BANK, N.A., FIRST	)	
AMERICAN LOAN STAR TRUSTEE	)	
SERVICES, LLC, AND DOES 1-25,	)	
inclusive,	)	
Defendants.	)	
	)	

On June 9, 2010, Plaintiff filed a complaint in the Los Angeles Superior Court for rescission, accounting, and an injunction. On July 12, 2010, Defendant Wells Fargo Bank, N.A. (“Defendant”) removed the action to this Court on the basis of federal question jurisdiction in light of Plaintiff’s fourth cause of action alleging violations of the federal Truth in Lending Act (“TILA”), 15 U.S.C. §§ 1601, *et seq.*, and regulations promulgated thereunder.

On July 20, 2010, Plaintiff filed a motion to remand the action to the Los Angeles Superior Court. In that motion, Plaintiff concedes that Plaintiff’s fourth cause of action under TILA is “not viable as it is untimely” and that “Plaintiff cannot prevail on his TILA

1 claims.” (Pl.’s Mot. Remand at 4-5.) On July 28, 2010, Plaintiff filed a first amended  
2 complaint, in which Plaintiff removed his TILA claim, thereby eliminating the only  
3 federal question that existed in this action.

4 As a result, the Court has serious questions about whether this case should remain  
5 in federal court. Where no federal claims remain in an action, district courts generally  
6 decline to exercise jurisdiction over the remaining state law claims. *See* 28 U.S.C. §  
7 1367(c)(e); *see also Carnegie-Melon University v. Cohill*, 484 U.S. 343, 350 n.8, 108 S.  
8 Ct. 614, 623, 98 L. Ed. 2d 720 (1988) (where “all federal-law claims are eliminated  
9 before trial, the balance of factors to be considered under the pendent jurisdiction  
10 doctrine—judicial economy, convenience, fairness, and comity—will point toward  
11 declining to exercise jurisdiction over the remaining state-law claims”); *see also Acri v.*  
12 *Varian Assocs., Inc.*, 114 F.3d 999, 1000 (9th Cir. 1997) (*en banc*).

13 Accordingly, Defendant is hereby ordered to show cause in writing why this action  
14 should not be remanded to Los Angeles County Superior Court given the absence of any  
15 federal claims in the operative first amended complaint. Defendants shall file their  
16 response to this Order to Show Cause (“OSC”) by August 10, 2010.

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18 IT IS SO ORDERED.

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20 DATED: August 3, 2010

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23 DOLLY M. GEE  
24 United States District Judge  
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