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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JEANNIE TANANA, individually  
and as Trustee of the Jean Miho  
Tanaka Trust,

Plaintiffs,

vs.

LINDA COTTERMAN, ALCIRA OPORTO,  
FOUNDERS HOMECARE, INC.,  
MARSHAL ROSENBERG, CAROL WHITE,  
and Does 1-10,

Defendants.

Case No. CV 11-03023 (MLR)

ORDER ON DEFENDANTS MOTION TO  
DISMISS PLAINTIFF'S COMPLAINT  
BASED ON IMMUNITY, EXCEPTION OR  
ABSTENION

[F.R.C.P. 12(b)(6)]

Date: August 22, 2011  
Time: 10:00 a.m.  
Courtroom: C-8<sup>th</sup> Floor

On August 22, 2011, at 10:00 a.m., in Courtroom C-8<sup>th</sup> Floor,  
of the above-entitled court, located at 312 N. Spring Street, Los  
Angeles, California, defendant Linda Cotterman's ("Cotterman")  
Motion to Dismiss pursuant to Federal Rule of Civil Procedure  
12(b)(6), as well as defendant Carol White's Joinder in  
Cotterman's Motion to Dismiss, came on regularly for a hearing,  
the Honorable Manuel L. Real presiding. Scott P. Schomer  
appeared for Cotterman and other appearances were noted for the  
record.

1 After considering the Notice of Motion and Motion, the  
2 accompanying memorandum of points and authorities, the request  
3 for judicial notice, the Joinder of defendant Carol White, and  
4 the record of this action, the court rules as follows:

5 1. Defendant's Motion to Dismiss is granted.

6 2. Plaintiff's claims against all defendants under 42  
7 U.S.C. § 1983 are dismissed with prejudice.

8 3. The Court hereby declines to exercise federal  
9 jurisdiction over the balance of Plaintiff's claims for Replevin,  
10 Personal Injury, False Arrest, False Imprisonment, Financial  
11 Elder Abuse, and Physical Elder Abuse, and therefore the claims  
12 described herein against all parties are dismissed without  
13 prejudice.

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15 Dated: August 31, 2011



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17 JUDGE OF THE UNITED STATES DISTRICT COURT  
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