

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

**‘O’**

<b>Case No.</b>	2:14-cv-09033-CAS(AJWx)	<b>Date</b>	January 25, 2017
<b>Title</b>	ADVANCED CLEANUP TECHNOLOGIES, INC. v. BP AMERICA, INC.		

**Present: The Honorable** CHRISTINA A. SNYDER

Catherine Jeang

Not Present

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**Proceedings:** (IN CHAMBERS) - CLAIMANT CUDA ENTERPRISES, INC. MOTION FOR A DETERMINATION THAT CARMEN M. BATRIZ d/b/a CMB PROFESSIONAL SERVICES HAS NO LIEN AGAINST THE RECOVERY IN THIS ACTION (Dkt. 66, filed July 13, 2016)

On October 16, 2014, plaintiff Advanced Cleanup Technologies, Inc. (“ACT”) initiated this action against defendant BP America, Inc. (“BP America”) in the Los Angeles County Superior Court. Dkt. 1. On November 21, 2014, BP America removed this action to this Court on the basis of both federal question and diversity jurisdiction. *Id.* Subsequently, two claimants, Cuda Enterprises, Inc. (“Cuda”) and Carmen M. Batriz (“Batriz”) filed notices of liens in this action against any recovery ACT might obtain from BP America. Specifically, on April 8, 2015, Cuda filed a “Notice of Lien in a Pending Action,” dkt. 19, and on July 20, 2015, Batriz filed a “Notice of Lien in a Pending Action,” dkt. 32. On June 7, 2016, BP America and ACT filed a notice of settlement indicating that they had reached a settlement in this action. Dkt. 62. On July 13, 2016, claimant Cuda filed the instant motion seeking a determination that claimant Batriz has no lien against the recovery in this action. Dkt. 66. On July 22, 2016, Batriz filed an opposition, dkt. 69, and on August 1, 2016, Cuda filed a reply, dkt. 71.

On August 15, 2016, this Court issued an order to show cause (the “OSC”) regarding the basis for this Court’s jurisdiction over Cuda and Batriz’s liens against ACT’s settlement recovery. Dkt. 76. On August 29, 2016, Cuda filed its response to the OSC (“Response”). Dkt. 77. In its response, Cuda contends that the sole basis for this Court’s jurisdiction is the exercise of supplemental jurisdiction under 28 U.S.C § 1367. *Id.* at 3–5. Cuda requests that this Court exercise supplemental jurisdiction to adjudicate Cuda’s lien because Cuda is claiming a right to the monetary recovery that BP will issue to ACT as a result of the settlement agreement in the underlying action. *Id.* at 4.

