

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MEMORANDUM

Case No. EDCV 15-2549 DSF (KKx)

Date 2/11/16

Title Ernest T. Armstrong, et al. v. Bank of America, N.A., et al.

Present: The
Honorable

DALE S. FISCHER, United States District Judge

Debra Plato

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (In Chambers) Order GRANTING Motion to Remand (Dkt. No. 11)¹

The only basis for subject matter jurisdiction over this matter is the federal Fair Debt Collections Practices Act (FDCPA) claim that was added in the first amended complaint prior to removal. The FDCPA claim makes clear that it is pleaded in the alternative and is only viable if an alternative set of facts – facts that Plaintiff denies, but Defendants will presumably argue in favor of – are true. (See FAC ¶ 233.) In light of this, the Court has little trouble concluding that the other, state law claims substantially predominate over the sole, in-the-alternative federal FDCPA claim. See 28 U.S.C. § 1367(c)(2). Therefore, the Court exercises its discretion to sever the FDCPA claim from the other claims in the FAC and to decline supplemental jurisdiction over the state law claims. The motion to remand all claims other than the FDCPA claim to the Superior Court of California, County of Riverside is GRANTED.

IT IS SO ORDERED.

¹ The Court deems this matter appropriate for decision without oral argument. See Fed. R. Civ. P. 78; Local Rule 7-15. The hearing set for February 22, 2016 is removed from the Court's calendar.