

UNITED STATES DISTRICT COURT **REMAND / JS-6**
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **ED CV 17-1205 DMG (SPx)** Date **August 1, 2017**

Title ***Denise M. Beason v. Manor Care of Hemet, CA, LLC, et al.*** Page **1 of 1**

Present: The Honorable **DOLLY M. GEE, UNITED STATES DISTRICT JUDGE**

KANE TIEN

Deputy Clerk

NOT REPORTED

Court Reporter

Attorneys Present for Plaintiff(s)
None Present

Attorneys Present for Defendant(s)
None Present

Proceedings: IN CHAMBERS - ORDER RE PLAINTIFF'S MOTION TO REMAND [15]

On March 10, 2017, Plaintiffs Denise M. Beason, by and through her successor-in-interest (the “Decedent”), and Ronald A. Beason, individually, (collectively, “Plaintiffs”) filed suit in Riverside County Superior Court against Defendant Manor Care of Hemet, CA, LLC dba Manorcare Health Services-Hemet (“Manor Care”). [Doc. # 1-1.] Service was executed on May 18, 2017. [Doc. # 1-1 at 35.] On June 19, 2017, Manor Care removed the case to this Court on the basis of diversity jurisdiction. [Doc. # 1.]

On July 17, 2017, Plaintiffs filed an amended complaint (“FAC”), which named new parties, Honeyflower Holdings, LLC dba Arlington Gardens Care Center (“Arlington”) and Gurprit Dhaliwal, as defendants. [Doc. # 13.] The newly added Defendants appear to be California citizens. FAC at ¶¶ 3, 5, 8.

On July 20, 2017, Plaintiff filed the instant Motion to Remand (“MTR”). [Doc. # 15.] A hearing is set on the MTR for August 18, 2017. *Id.* Defendants’ opposition to the MTR was due no later than Friday, July 28, 2017. *See* C.D. Cal. L.R. 7-9 (opposition due at least 21 days before the date of the hearing). Defendants have not filed an opposition and the time to do so has now passed.

Accordingly, the Court **GRANTS** Plaintiffs’ motion for remand to state court due to Defendant’s failure to file an opposition and because the additional Defendants deprives the Court of diversity jurisdiction. *See Oakley, Inc. v. Nike, Inc.*, 988 F. Supp. 2d 1130, 1139 (C.D. Cal. 2013) (“[T]he Local Rules permit the Court [to] deem failure to oppose as consent to the granting of the motion.”) (citing L.R. 7-12); *see also* 28 U.S.C. §§ 1332 (diversity subject matter jurisdiction defined), 1447(c), (e) (post-removal remand appropriate where court lacks subject-matter jurisdiction). The August 18, 2017 hearing is **VACATED**.

IT IS SO ORDERED.