
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SACV 12-724-JST (MLGx)

Date: July 30, 2012

Title: Ashley Baggett, et al. v. Marathon Products, Inc., et al.

Present: **Honorable JOSEPHINE STATON TUCKER, UNITED STATES DISTRICT JUDGE**

Ellen Matheson

Deputy Clerk

N/A

Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF:

Not Present

ATTORNEYS PRESENT FOR DEFENDANT:

Not Present

PROCEEDINGS: (IN CHAMBERS) ORDER (1) REQUIRING DEFENDANT MARATHON TO SHOW CAUSE, and (2) CONTINUING HEARING ON MARATHON’S MOTION TO DISMISS (Doc. 15) FROM AUGUST 10, 2012, AT 2:30 P.M. TO OCTOBER 12, 2012, AT 2:30 P.M.

On May 4, 2012, Defendant Federal Express Corporation (“Fed Ex”) removed this action from Orange County Superior Court on the basis that Plaintiffs Ashley Baggett and Mark Baggett’s (“Plaintiffs”) breach of contract and breach of covenant of good faith and fair dealing claims against Fed Ex are governed by the federal Carmack Amendment, and Plaintiffs’ remaining state law claims are preempted by the Carmack Amendment. (Notice of Removal at 3-4, Doc. 1.)

On July 16, 2012, Plaintiffs, and Defendants Marathon Products, Inc. (“Marathon”) and Fed Ex, submitted a joint Rule 26(f) report, in which they indicated that “Plaintiffs are in the process of filing a motion to dismiss Defendant Fed Ex from the suit with prejudice Upon dismissal of Defendant Fed Ex, Plaintiff will be filing a motion to remand this case” (Joint Report of Meeting at 4, Doc. 16.) The parties further indicated that Marathon would not oppose a motion to remand. (*Id.*) On July 19, 2012, the Court dismissed Fed Ex pursuant to a stipulation between the parties. (Doc. 19.) Therefore, it appears that this Court no longer has subject matter jurisdiction in this case. Accordingly, the Court orders Marathon to show cause in writing no later than **August 13, 2012**, as to the basis for this Court’s jurisdiction.

Additionally, the hearing on Marathon’s Motion to Dismiss (Doc. 15) is CONTINUED from August 10, 2012, at 2:30 p.m., to October 12, 2012, at 2:30 p.m.

Initials of Preparer: enm