

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JS-6

CIVIL MINUTES – GENERAL

Case No. SA CV 17-1567-DOC (DFMx)

Date: October 25, 2017

Title: MATTHEW P. MALOUF ET AL. V. AYMAN G. HADDADIN ET AL.

PRESENT:

THE HONORABLE DAVID O. CARTER, JUDGE

Deborah Lewman
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFF:
None Present

ATTORNEYS PRESENT FOR
DEFENDANT:
None Present

**PROCEEDINGS (IN CHAMBERS): ORDER GRANTING AS
UNOPPOSED PLAINTIFF’S
MOTION TO REMAND [19]**

On September 8, 2017, Defendants Alice Haddadin, Franco Olmedo, Theresa Messersmith, and Ayman G. Haddadin (collectively “Defendants”) removed the above-captioned case to this Court. Notice of Removal (Dkt. 1). On October 6, 2017, Plaintiff Matthew P. Malouf (“Plaintiff”) filed a Motion to Remand Case to Superior Court of Orange County (“Motion”) (Dkt. 19). On October 23, 2017, Defendant filed a Notice of Non-Opposition (Dk. 21).

Plaintiff points out that while the original Complaint alleged nine causes of action, including civil RICO under 18 U.S.C. §§ 1962(c), the First Amended Complaint (Dkt. 15) no longer raises any question of federal law and there is no basis for federal or diversity jurisdiction. Mot. at 1. Therefore, the only remaining basis for subject matter jurisdiction is supplemental jurisdiction pursuant to 28 U.S.C. § 1367. *See id.*

A court may decline to exercise supplemental jurisdiction if “all claims over which it has original jurisdiction” have been dismissed from the case. 28 U.S.C. § 1367(c)(3); *see Satey v. JPMorgan Chase & Co.*, 521 F.3d 1087, 1091 (9th Cir. 2008). Plaintiff argues that the well-settled factors that guide the Court’s discretionary exercise of

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supplemental jurisdiction: “economy, convenience, fairness, and comity,” weigh heavily in favor of remanding to state court. Mot. at 1; *see Holly D. v. California Inst. of Tech.*, 339 F.3d 1158, 1181 n.28 (9th Cir. 2003) (quoting *Acri v. Varian Associates*, 114 F.3d 999, 1001 (9th Cir.1997) (en banc)).

Based on those factors, the Court agrees the case should be remanded. Accordingly, the Court GRANTS AS UNOPPOSED Plaintiff’s Motion and REMANDS this action to the Superior Court of California, County of Orange, case number 30-2017-00935962.

The Clerk shall serve this minute order on the parties.

MINUTES FORM 11
CIVIL-GEN

Initials of Deputy Clerk: djl