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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

DONNA PORTER, et al.,

Plaintiffs,

v.

BANK OF AMERICA, N.A.,

Defendants.

Case No. 1:14-cv-00431-LJO-SAB

ORDER

On November 19, 2014, a hearing was held on the motions to dismiss filed by Defendants in this action. At the hearing, the Court queried whether it had jurisdiction to address Defendants’ motions to dismiss, in light of the issues addressed in the Court’s September 30, 2014 order to show cause. The Court also noted that Plaintiffs filed a motion to remand on November 18, 2014. (ECF No. 51.) Defendants requested additional time to brief the issue of jurisdiction. The Court will grant Defendants’ request. However, the Court notes that Defendants argued that jurisdiction exists based upon diversity jurisdiction under 28 U.S.C. § 1332. However, diversity jurisdiction does not appear to have been raised in the notice of removal and the Ninth Circuit has stated that a notice of removal may not be amended after the thirty day time limitation to add a separate basis for jurisdiction. See ARCO Environmental Remediation, LLC v. Department of Health and Environmental Quality of Montana, 213 F.3d 1108, 1117 (9th Cir. 2000). Accordingly, Defendants’ brief should address this issue as well.

1 Accordingly, it is HEREBY ORDERED that:

- 2 1. The hearing on Defendants' motions to dismiss is continued to December 23,  
3 2014 and Plaintiffs' motion to remand shall be heard the same day;
- 4 2. Defendants shall file a brief addressing the issue of jurisdiction and any  
5 opposition to Plaintiffs' motion to remand on or before November 25, 2014;
- 6 3. Plaintiffs shall file their response and reply, if any, on or before December 3,  
7 2014.

8 IT IS SO ORDERED.

9 Dated: November 19, 2014

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12 UNITED STATES MAGISTRATE JUDGE