

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

3  
4 BI SOPHAMIXAY,

5 Plaintiff,

6 v.

7 KRAFT FOODS GROUP, INC., a Virginia  
8 corporation, and MANUEL PEREZ,

9 Defendants.

Case No. 1:14-CV-01150-LJO-SMS

ORDER GRANTING PLAINTIFF'S  
MOTION TO AMEND AND REMANDING  
CASE TO STATE COURT

(Doc. 8)

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11 On July 23, 2014, Defendants Kraft Foods Group, Inc., and Manuel Perez removed this labor  
12 discrimination case from Fresno County Superior Court to this Court, alleging federal jurisdiction.

13 On August 21, 2014, Plaintiff Bi Sophamixay moved to amend her complaint, stating that Plaintiff  
14 erred in referring to her protected medical leave as being governed by the federal Family and  
15 Medical Leave Act of 1993 (29 U.S.C. § 2601 *et seq.*) ("FMLA") when the leave was in fact  
16 governed by state law, the California Family Rights Act (California Government Code § 12940).

17 Plaintiff also moved for remand following the proposed amendment. On September 23, 2014,  
18 Defendants filed a statement of non-opposition.

19 The Court has reviewed Plaintiff's motion and finds the proposed amendment to be consistent  
20 with the context of the original complaint and appropriate to correct the error. Accordingly, the  
21 Court hereby GRANTS Plaintiff's motion to amend. Since the complaint no longer alleges a federal  
22 question following the amendment, The Court REMANDS this matter to the Fresno County  
23 (California) Superior Court and DIRECTS the Clerk of Court to CLOSE the case.

24 IT IS SO ORDERED.

25 Dated: October 6, 2014

26 /s/ Lawrence J. O'Neill  
27 UNITED STATES DISTRICT JUDGE  
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