

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KEVIN J. HRIM, and
MARYBETH HRIM,

No. 2:09-cv-02188-MCE-DAD

Plaintiffs,

v.

MEMORANDUM AND ORDER

HOMECOMINGS FINANCIAL, LLC;
HOMECOMINGS FINANCIAL NETWORK,
INC.; PROFESSIONAL MORTGAGE
BROKERS, INC. DBA VINTAGE
MORTGAGE GROUP; LAURA E. RANEY;
ROSLYN ROGERS; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC.; and DOES 1-20, inclusive,

Defendants.

----oo0oo----

This action arises out of a mortgage loan transaction in which Plaintiffs Kevin Hrim and Marybeth Hrim ("Plaintiffs") financed their home in 2005. Presently before the Court is a Motion by Defendants Homecomings Financial LLC f/k/a Homecomings Financial Network, Inc. and Mortgage Electronic Registration Systems, Inc. ("Defendants") to Dismiss the claims alleged against them in Plaintiffs' Second Amended Complaint for failure to state a claim upon which relief may be granted pursuant to Federal Rule of Civil Procedure 12(b)(6).

1 Concurrently, Defendants Professional Mortgage Brokers Inc., dba
2 Vintage Mortgage Group, Laura Raney, and Roslyn Rogers (also
3 "Defendants") have similarly moved to dismiss Plaintiffs' Second
4 Amended Complaint pursuant to Federal Rule of Civil Procedure
5 12(b)(6).

6 Plaintiffs' Second Amended Complaint alleges only state law
7 causes of action. Plaintiffs' Oppositions to the Motions to
8 Dismiss acknowledges the lack of a federal cause of action and
9 requests that the Court take notice that the Second Amended
10 Complaint contains no federal claims. Plaintiffs further state
11 that they have "no objection to the Court's dismissal without
12 prejudice of this matter." Pls.' Opp. to Mot. to Dismiss 2:12-
13 14.

14 With only Plaintiffs' state law claims remaining, this Court
15 ceases to have subject matter jurisdiction over the suit. The
16 Court declines to exercise its supplemental jurisdiction over the
17 remaining state causes of action and they are dismissed without
18 prejudice. The Court need not address the merits of Defendants'
19 Motions to Dismiss (Docket No. 50 and 51) as those issues are now
20 moot.¹

21 ///

22 ///

23 ///

24 ///

25 ///

26

27 ¹ Because oral argument will not be of material assistance,
28 the Court deemed this matter suitable for decision without oral
argument. E.D. Cal. Local Rule 230(g).

1 Plaintiffs are cautioned against filing complaints in this
2 Court and then dismissing the federal claims as soon as a Motion
3 to Dismiss is filed.

4 For the reasons stated above, the case is dismissed.
5 The Clerk is directed to close the file.

6 IT IS SO ORDERED.

7 Dated: April 26, 2010

8 

9
10

MORRISON C. ENGLAND, JR.
11 UNITED STATES DISTRICT JUDGE
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28