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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BALJIT DOSANJH, SUKHINDER
DOSANJH,

Plaintiffs,

v.

LITTON LOAN SERVICING; WELLS
FARGO BANK, N.A.; QUALITY LOAN
SERVICE, CORP., and DOES 1-50
Inclusive,

Defendants.

_____ /

Case No. 2:09-CV-02535-JAM-DAD
ORDER RE:MOTION TO DISMISS AND
REMAND ORDER

This matter comes before the Court on Defendant Litton Loan Servicing, LP's, ("Defendant's"), Motion to Dismiss, (Doc #25), Plaintiffs Baljit Dosanjh and Sukhinder Dosanjh's ("Plaintiffs'") Second Amended Complaint (Doc. #24) for failure to state a claim pursuant to Federal Rule of Civil Procedure

1 12(b)(6).¹ Plaintiffs oppose the motion.² The Court has taken
2 Judicial Notice of all documents as requested by Defendant.

3
4 This case was removed from state court to federal court on
5 the basis of federal question jurisdiction. Plaintiffs' original
6 complaint brought claims for relief for violation of the federal
7 Truth in Lending Act ("TILA") and the Real Estate Settlement
8 Procedures Act ("RESPA"), along with supplemental state law
9 claims. Plaintiffs have since amended their complaint twice, and
10 it no longer contains any federal claims for relief. Federal
11 claims for relief are named in the caption and the opening
12 paragraph of the Complaint, but are not set forth as individual
13 claims for relief in the body of the Complaint.
14

15 "Subject to the conditions set forth in 28 U.S.C.
16 §1367(c), district courts may decline to exercise supplemental
17 jurisdiction over state law claims... In the usual case in which
18 federal law claims are eliminated before trial, the balance of
19 factors will point toward declining to exercise jurisdiction
20 over the remaining state law claims." Keen v. American Home
21 Mortgage Servicing, Inc., 2010 WL 624306, at *1 (E.D. Cal. Feb.
22 18, 2010) (internal citations omitted). Accordingly, because no
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27 ¹ This motion was determined to be suitable for decision without
oral argument. E.D. Cal. L.R. 230(g).

28 ²The Court notes that Plaintiffs' opposition appeared to be a
boilerplate, cut and paste brief. Counsel failed to even name
the correct plaintiffs in the case.

1 federal claims remain in this action, the Court declines to
2 exercise supplemental jurisdiction over the remaining state law
3 claims.
4

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6 ORDER

7 For the reasons set forth above, the Court declines to
8 exercise jurisdiction over the remaining state law claims. This
9 case is hereby remanded to the Superior Court in and for the
10 County of Sacramento.
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13 IT IS SO ORDERED.

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15 Dated: April 22, 2010

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18 JOHN A. MENDEZ,
19 UNITED STATES DISTRICT JUDGE
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