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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANIEL STACEY WINN,
individually and as
successor in interest to
Petra Monika Winn, deceased,
KORY MICHAEL WINN,
individually and as
successor in interest to
Petra Monika Winn, deceased,
BREEONNA WINN, individually
and as successor in interest to
Petra Monika Winn, deceased,
ERIKA WINN, individually and as
successor in interest to
Petra Monika Winn, deceased,

No. 2:09-cv-02805-MCE-GGH

Plaintiffs,

v.

ORDER

CHRYSLER GROUP, LLC, a
Delaware corporation,
successor in interest to
DaimlerChrysler Corporation;
MAGNA POWERTRAIN, INC.; MAGNA
INTERNATIONAL OF AMERICA, INC.
also known as Magna Powertain;
GREAT VALLEY CHRYSLER JEEP, an
unknown business entity;
ENTERPRISE RENT-A-CAR COMPANY,
a California corporation;
S.J. DENHAM, INC., a California
corporation, DEBORAH MATISENGLE;
and DOES 1 through 100, inclusive,

Defendants.

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1 By Memorandum and Order filed December 24, 2009, this Court
2 granted Plaintiffs' Motion to Remand the above-captioned matter
3 back to the Superior Court of the State of California in and for
4 the County of Shasta for further adjudication. Thereafter, on
5 December 31, 2009, Defendant Chrysler Group, LLC ("Chrysler")
6 presented an Ex Parte Application asking that the remand order be
7 stayed in order to permit further briefing. Chrysler argues that
8 such further briefing is necessary given the Court's dismissal of
9 Plaintiffs' successor liability claims at a point after briefing
10 on the Motion to Remand had been completed. According to
11 Chrysler, it would not have relied exclusively on the successor
12 liability claims to support federal jurisdiction had it known
13 those claims would be dismissed. Chrysler now asserts that it
14 should be permitted to brief the import of the remaining breach
15 of contract claims, and argue that those claims also justify the
16 jurisdiction of this Court, now that the scope of Plaintiffs'
17 pleadings has changed. In order to do that, it initially asks
18 the Court to stay remand in order to permit what in essence would
19 amount to a reconsideration request of the Court's prior Order.

20 Having considered both Chrysler's Ex Parte Application and
21 Plaintiff's Opposition thereto, the Court finds a stay of remand
22 to be indicated. While the issue of Plaintiffs' attempted
23 dismissal of the successor liability claims was an issue during
24 the initial briefing process, at that time no dismissal had yet
25 been effectuated. Given that change in circumstances, Chrysler
26 should be permitted to posit its arguments for continuing federal
27 jurisdiction even though it previously had relied only on the
28 now-dismissed claims in arguing against remand.

1 The Court consequently GRANTS Plaintiff's Ex Parte
2 Application (Docket No. 38). The Court's order remanding this
3 case to state court is stayed pending adjudication of a Motion
4 for Reconsideration. That Motion must be filed not later than
5 February 10, 2010 and shall be noticed for hearing on March 11,
6 2010 at 2:00 p.m. Opposition and reply papers are due in advance
7 of that March 11, 2010 hearing date in accordance with Local Rule
8 230(c) and (d).

9 IT IS SO ORDERED.

10 Dated: January 29, 2010

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13 MORRISON C. ENGLAND, JR.
14 UNITED STATES DISTRICT JUDGE
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