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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CARLA M. STERNER

Plaintiff,

v.

HEARTLAND BANK OF CLAYTON; HSBC
MORTGAGE SERVICES, INC.; ARCH
HOME LOANS, INC.; ROSS M. FORRY;
AND DOES 1-20 inclusive,

Defendants.

No. 2:09-cv-03150-MCE-EFB

MEMORANDUM AND ORDER

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This action arises out of a mortgage loan transaction in which Plaintiff Carla M. Sterner ("Plaintiff") obtained a home loan in November 2006. Presently before the Court is a Motion by Defendants HSBC Mortgage Services, Inc. and Housekey Financial Corporation ("Defendants") to Dismiss the claims alleged against them in Plaintiff's First 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

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

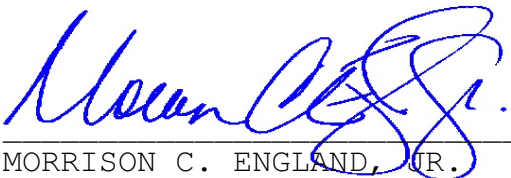
1 Plaintiff's First Amended Complaint alleged violations of
2 both federal and state laws, including the Truth in Lending Act,
3 15 U.S.C. § 1601 et seq. ("TILA") and the Real Estate Settlement
4 Procedures Act, 12 U.S.C. § 2605 et seq. ("RESPA"). However,
5 Plaintiff subsequently filed an Opposition to Defendants' Motion
6 to Dismiss in which she concedes to dismissal of all causes of
7 action except for the claims of Fraud and violation of California
8 Business and Professions Code §17200.

9 With only state law claims remaining, this Court ceases to
10 have subject matter jurisdiction over Plaintiff's suit against
11 Defendants. The Court declines to exercise its supplemental
12 jurisdiction over the remaining state causes of action and they
13 are dismissed without prejudice. The Court need not address the
14 merits of Defendants' Motions to Dismiss (Docket No. 7) as those
15 issues are now moot.

16 For the reasons stated above, the case against Defendants is
17 dismissed for lack of subject matter jurisdiction. The Clerk is
18 directed to terminate HSBC Mortgage Services, Inc. and Housekey
19 Financial Corporation.

20 IT IS SO ORDERED.

21 Dated: April 8, 2010

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24 MORRISON C. ENGLAND, JR.
25 UNITED STATES DISTRICT JUDGE
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