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9 UNITED STATES DISTRICT COURT  
 10 EASTERN DISTRICT OF CALIFORNIA

11 MANDI HOVATER, individually and on behalf)	Case No. 2-10-CV-00621-JAM-DAD
of all similarly situated current and former )	
12 employees of WINCO FOODS, LLC, and )	<b>ORDER DENYING PLAINTIFF'S</b>
WINCO FOODS, INC., )	<b>MOTION TO REMAND</b>
13 )	
Plaintiffs, )	Date: June 16, 2010
14 )	Time: 9:30 a.m.
v. )	Judge: Hon. John A. Mendez
15 )	Trial Date: None Set
WINCO FOODS, LLC, WINCO FOODS, INC.)	
16 and DOES 1 through 10, inclusive, )	Complaint filed: February 18, 2010
17 Defendants. )	
18 )	
19 )	

20 Plaintiff Mandi Hovater's Motion to Remand came on for hearing before this Court on  
 21 June 16, 2010, the Honorable John A. Mendez presiding. Marta Manus appeared on behalf of  
 22 plaintiff, and Alfred L. Sanderson, Jr. appeared on behalf of defendant WinCo Foods, LLC. The  
 23 Court, having read and considered all papers filed in conjunction with this motion and having  
 24 considered the parties' oral argument at the hearing on the motion, orders as follows:

25 Plaintiff's Motion to Remand is hereby DENIED. Plaintiff argued that because only state  
 26 law claims remain after the filing of a First Amended Complaint, the court has discretion to  
 27 remand the case. The Court holds that, notwithstanding the filing of plaintiff's First Amended  
 28 Complaint and the dismissal of former plaintiff Jackson, it retains subject matter jurisdiction

1 because it had diversity jurisdiction at the time of defendant's timely removal. *See Williams v.*  
2 *Costco Wholesale Corp.*, 471 F.3d 975, 976 (9th Cir. 2006).

3 For these reasons, plaintiff's Motion to Remand is DENIED.

4 **IT IS SO ORDERED.**

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6 Dated: June 23, 2010

/s/ John A. Mendez \_\_\_\_\_  
Hon. John A. Mendez  
UNITED STATES DISTRICT JUDGE

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