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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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FAIZ A. JAHANI, individually
and on behalf of the General
Public of the State of
California; KHADUA JAHANI,
individually and on behalf of
the General Public of the
State of California,

Plaintiffs,

v.

WASHINGTON MUTUAL BANK, now
doing business as JPMORGAN
CHASE BANK, N.A., a
corporation and as successor
in interest to WASHINGTON
MUTUAL BANK; CHASE HOME
FINANCE, LLC, a subsidiary of
JPMORGAN CHASE BANK, et al.,

Defendants.

NO. CIV. S-10-777 FCD/KJM

MEMORANDUM AND ORDER

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This matter is before the court on the motion of defendants
Federal Home Loan Mortgage Corporation and JPMorgan Chase Bank,
N.A. to dismiss plaintiffs Faiz and Khadua Jahani's complaint

1 pursuant to Federal Rule of Civil Procedure 12(b)(6).¹ (Docket
2 #6.) Plaintiffs filed an opposition to the motion, substantively
3 responding to defendants' motion with respect to plaintiffs'
4 state law claims. However, with respect to plaintiffs' federal
5 claims for relief under the Truth in Lending Act ("TILA"), 15
6 U.S.C. § 1601 *et seq.* (the second and fifth claims for relief),
7 and the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 168
8 (eighth claim for relief), plaintiffs did not respond to
9 defendants' motion and instead simply requested leave to
10 "properly allege causes of actions [sic] for violation of and
11 [sic] predatory lending." (Opp'n, filed July 2, 2010 [Docket
12 #13], at 9:4-5.) The court construes plaintiffs' response as a
13 non-opposition to the motion as to the federal claims for relief,
14 and as such, it GRANTS defendants' motion as to those claims.
15 Moreover, the court denies plaintiffs' request for leave to amend
16 these claims as it appears that such amendment would be futile.
17 Lopez v. Smith, 203 F.3d 1122, 1129 (9th Cir. 2000) (recognizing
18 that a court is only required to grant leave to amend a complaint
19 if it *possibly* can be saved). Here, plaintiffs offer no basis
20 whatsoever for granting leave to amend; they offer no argument in
21 support of permitting leave, let alone *any facts* to suggest that
22 a cognizable claim could be stated under TILA or FCRA. (Opp'n at
23 9.) Accordingly, leave to amend is properly denied.

24 The dismissal of the TILA and FCRA claims leaves the
25 complaint devoid of any federal claims. The remaining claims are
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27 ¹ Because oral argument will not be of material
28 assistance, the court orders this matter submitted on the briefs.
E.D. Cal. L.R. 230(g).

1 state law claims for fraudulent inducement to breach of contract,
2 fraud and conspiracy to commit fraud, violation of California
3 Civil Code § 2923.5 *et seq.*, violation of California Business and
4 Professions Code § 17200 *et seq.*, defamation, false light and
5 breach of contract. (Complaint, filed April 1, 2010 [Docket
6 #1].)

7 Subject to the conditions set forth in 28 U.S.C. § 1367(c),
8 district courts may decline to exercise supplemental jurisdiction
9 over state law claims. See *Acri v. Varian Assoc., Inc.*, 114 F.3d
10 999, 1000 (9th Cir. 1997) (en banc). The court's decision
11 whether to exercise supplemental jurisdiction should be informed
12 by values of "economy, convenience, fairness, and comity." Id.
13 at 1001 (citations omitted). Further, primary responsibility for
14 developing and applying state law rests with the state courts.
15 Therefore, when federal claims are eliminated before trial,
16 district courts should usually decline to exercise supplemental
17 jurisdiction. See *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343,
18 350 (1988); *Gini v. Las Vegas Metropolitan Police Dept.*, 40 F.3d
19 1041, 1046 (9th Cir. 1994) ("In the usual case in which federal-
20 law claims are eliminated before trial, the balance of factors
21 . . . will point toward declining to exercise jurisdiction over
22 the remaining state law claims.") (quoting *Schneider v. TRW Inc.*,
23 938 F.2d 986, 993 (9th Cir. 1991)). In accordance with Section
24 1367(c), the court declines to exercise supplemental jurisdiction
25 over plaintiffs' remaining state law claims.

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1 Plaintiffs' complaint is therefore DISMISSED. The Clerk of
2 the Court is directed to close this file.

3 IT IS SO ORDERED.

4 DATED: July 15, 2010

A handwritten signature in black ink, appearing to read "Frank C. Damrell, Jr.", written in a cursive style.

FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE

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