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

JUDY THORSDEN,
Plaintiff,
v.

No. C-06-0770 MMC

ORDER REMANDING ACTION

AMERICAN HOME SHIELD OF
CALIFORNIA, INC.,
Defendant

Before the Court is the Notice of Removal of Civil Action, filed February 3, 2006, by American Home Shield Corporation ("AHSC"), which is not a party to the instant action.

In the Notice of Removal, AHSC asserts that the parties to the instant action are diverse. The complaint alleges, however, that the only named plaintiff, Judy Thorsden ("Thorsden"), and the only named defendant, American Home Shield of California, Inc. ("AHSOC"), are both California residents, (see Compl. ¶¶ 1, 2), and AHSC concedes such allegation is true, (see Notice of Removal ¶¶ 20, 21(a)). Although AHSC asserts that it should be treated as the sole defendant, Thorsden has not named AHSC as a party and, indeed, has specifically declined to amend her complaint to substitute ASHC for AHSOC. (See Notice of Removal Ex. E.) Consequently, there being no diversity between the parties to the instant action, the Court lacks subject matter jurisdiction over the matter.¹

¹The Court further notes that AHSC has violated the Local Rules of this District by inappropriately filing in the public record certain of Thorsden's personal information. (See Civil L.R. 3-17(a).)

United States District Court

For the Northern District of California

1 Accordingly, pursuant to 28 U.S.C. § 1447(c), the above-titled action is hereby
2 REMANDED, for lack of subject matter jurisdiction, to the Superior Court of the State of
3 California, in and for the County of Sonoma.

4 The Clerk shall close the file.

5 **IT IS SO ORDERED.**

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7 Dated: February 7, 2006

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MAXINE M. CHESNEY
United States District Judge

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