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28IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GENARO Q.PAED, at al.,

No. C 11-03603 CRB

Plaintiffs,

ORDER REMANDING CASE

v.

BANK OF AMERICA, et al.,

Defendants.

Plaintiffs Genaro Paed and Corazon Paed brought suit in state court in December 2010. See Notice of Removal (dkt. 1) at 2. In June 2011, they amended their complaint, adding federal causes of action. Id. Defendants timely removed the case to this Court on the basis of federal question jurisdiction. Id. at 2-3. Defendants promptly moved to dismiss, see Mot. (dkt. 4), but the hearing on that motion was postponed twice to accommodate Plaintiffs, see, e.g., dkt. 25, 37.

On the night before the motion hearing, Plaintiffs filed a second amended Complaint. See dkt. 38. Plaintiffs did so without leave of the Court, in violation of Federal Rule of Civil Procedure 15. Nonetheless, at the motion hearing, at which Plaintiffs and their counsel failed to appear, the Court held that it would review the second amended complaint. The Court explained that if the second amended complaint did not correct the statute of limitations concerns the Court had with Plaintiffs' prior complaint, the Court would dismiss it; if it did

1 correct the statute of limitations concerns the Court had with Plaintiffs' prior complaint,
2 Defendants would be directed to file a new motion to dismiss. See Minutes (dkt. 39).

3 The Court has now reviewed the second amended complaint, and finds that it no
4 longer contains any federal claims. See generally Compl. (dkt. 38). Accordingly, the Court
5 adopts the second amended complaint as the operative complaint, and REMANDS the case
6 to the Superior Court of the State of California, County of San Mateo.

7 **IT IS SO ORDERED.**

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9 Dated: December 19, 2011



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

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