

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LARRY MONTGOMERY,
Plaintiff,

No. C-12-1359 EMC

v.

**ORDER RE SUPPLEMENTAL
BRIEFING AND/OR EVIDENCE
(Docket No. 16)**

NATIONAL CITY MORTGAGE, *et al.*,
Defendants.

Plaintiff has moved to remand the instant case, arguing, *inter alia*, that abstention is appropriate pursuant to *Chapman v. Deutsche Bank*, 651 F.3d 1039 (9th Cir. 2011). In *Chapman*, the Ninth Circuit reaffirmed the prior exclusive jurisdiction doctrine -- *i.e.*, “[w]here concurrent proceedings in state and federal court are both suits in rem or quasi in rem, the court first assuming jurisdiction over the property may maintain and exercise that jurisdiction to the exclusion of the other.” *Id.* at 1041. In his motion, Plaintiff suggests that a state superior court first assumed jurisdiction over the real property at issue. To assess this argument, however, the Court needs to know when exactly the state court unlawful detainer action was filed. Accordingly, the Court orders Plaintiff to file a declaration certifying when the unlawful detainer action was filed. Plaintiff should

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also attach a copy of the unlawful detainer complaint to his declaration. The filing shall be made within three days of the date of this order.

IT IS SO ORDERED.

Dated: May 1, 2012



EDWARD M. CHEN
United States District Judge