

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN MOFFETT,
Plaintiff,

v.

ZIMMER, INC., et al.,
Defendants.

Case No. 12-cv-03445-WHO

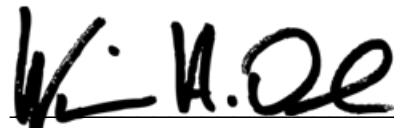
**ORDER REMANDING CASE TO
STATE COURT**

After nearly four years of litigation in federal court, the parties now agree that there is no subject matter jurisdiction over this case. Accordingly, the case is REMANDED to the Superior Court of California, County of San Francisco. *See* 28 U.S.C. § 1447(c) (“If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.”); *see also Albingia Versicherungs A.G. v. Schenker Int’l Inc.*, 344 F.3d 931, 938 (9th Cir. 2003) (noting that 28 U.S.C. § 1447(c) “means that if there is no jurisdiction – federal question, supplemental, diversity, or otherwise – the district court must remand the removed case rather than dismissing it”).

Defendants’ motion for summary judgment, Dkt. No. 40, is DENIED AS MOOT.

IT IS SO ORDERED.

Dated: April 25, 2016



WILLIAM H. ORRICK
United States District Judge