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28UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THERESA LYNNE MURPHY,  
Plaintiff,  
v.  
BANK OF NEW YORK MELLON, et al.,  
Defendants.

Case No. [13-cv-02424-JST](#)**ORDER DISMISSING ACTION FOR  
LACK OF SUBJECT MATTER  
JURISDICTION**

Re: ECF Nos. 1, 23

In this action for state-law claims arising out of the foreclosure of a residential property, Plaintiff Theresa Murphy moves for a preliminary injunction barring the following four defendants from conducting a trustee's sale with respect to a property to which she allegedly holds title: the Bank of New York Mellon, Mortgage Electronic Registration Systems ("MERS"), Merscorp, and the Wolf Firm. Because the Court lacks subject matter jurisdiction over this action, the action is **DISMISSED WITHOUT PREJUDICE**.

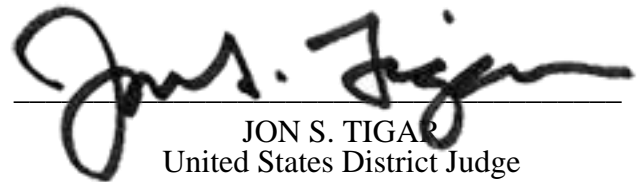
In the complaint, Murphy alleges that the Court has jurisdiction over her state-law claims under the diversity jurisdiction statute, 28 U.S.C. Section 1332, because she is a citizen of California and Defendants the Bank of New York Mellon, Merscorp, and MERS are citizens of New York, Delaware, and Delaware respectively. Compl. ¶ 2, ECF No. 1. In her jurisdictional statement, Murphy omits the citizenship of the fourth defendant, the Wolf Firm. The Wolf Firm is a citizen of California according to the allegations in other parts of the complaint. See id. ¶ 8 ("The Wolf Firm, a Law Corporation, is a California corporation with its principal place of business located at 2955 Main Street, Second Floor, Irvine, CA 92614.").

A district court may exercise jurisdiction over an action in which there is diversity of citizenship and the amount in controversy exceeds \$75,000. 28 U.S.C. § 1332(a). "The diversity

1 jurisdiction statute, as construed for nearly 200 years, requires that to bring a diversity case in  
2 federal court against multiple defendants, each plaintiff must be diverse from each defendant.”  
3 Lee v. Am. Nat. Ins. Co., 260 F.3d 997, 1004 (9th Cir. 2001). Here, Murphy is not diverse from  
4 one of the four defendants, namely the Wolf Firm. Though Murphy does not explicitly name the  
5 Wolf Firm as a defendant in the portions of the complaint that explain the basis for jurisdiction or  
6 that describe the identities of the parties, it is clear from the remainder of the complaint that  
7 Murphy seeks relief from the Wolf Firm, as Murphy asserts most of the claims in the complaint  
8 against the Wolf Firm as well as the other Defendants. Accordingly, because complete diversity  
9 of citizenship does not exist, this action is **DISMISSED WITHOUT PREJUDICE** for lack of  
10 subject matter jurisdiction. The temporary restraining order issued by the Court on May 31, 2013,  
11 and all deadlines and hearings in this case, are **VACATED**. Murphy may re-file her claims in  
12 state court.

13 **IT IS SO ORDERED.**

14 Dated: June 12, 2013

15   
16 JON S. TIGAR  
17 United States District Judge