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

MICHAEL DIVINCENT,
Plaintiff,

v.

ROBERT DIVINCENT, et al.,
Defendants.

NO. C13-3360 TEH

ORDER VACATING BRIEFING
AND HEARING SCHEDULES
ON DEFENDANTS' MOTIONS

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This matter is currently before the Court on four motions: a motion for leave to amend and remand filed by Plaintiff Michael DiVincent; a motion to compel arbitration or to dismiss filed by the E*Trade Defendants; and motions to dismiss and strike filed by Defendant David P. Gardner and the DiVincent Defendants. To promote efficiency and conserve resources, the Court now VACATES the briefing and hearing schedules on all of Defendants' motions so that it can first determine whether this matter should be remanded.

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In their responses to Plaintiff's motion, Defendants shall address whether Plaintiff has the right to amend his complaint pursuant to Federal Rule of Civil Procedure 15(a)(1)(B) and whether federal jurisdiction over the amended complaint would be proper. If, as Plaintiff contends, the amended complaint contains no federal questions, this Court is not inclined to maintain jurisdiction over this case even if removal based on the original complaint were proper.

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IT IS SO ORDERED.

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Dated: 08/26/13



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT