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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HEATHER CASTRO, et al.,
Plaintiffs,
v.
CALICRAFT DISTRIBUTORS, LLC, et al.,
Defendants.

Case No. [14-cv-05226-RS](#)**ORDER RE MOTION TO DISMISS**

Defendants' pending motion to dismiss the First Amended Complaint challenged not only the adequacy of the federal claims brought by plaintiff Jean-Philippe Castro, but also the propriety of plaintiff Heather Castro's assertion of state law claims in this action. At the time plaintiffs filed their opposition, an action involving the same controversy was pending in the Central District of California. That action originally was filed by defendants against the Castros in Los Angeles Superior Court, and had been removed to federal court by the Castros.

In opposing dismissal of Heather Castro from this suit, plaintiffs pointed to certain orders issued in the Central District action, which they contended demonstrated it would not be remanded to state court. Plaintiffs argued that the various claims should all be resolved in one forum, and were seeking transfer of the Central District action and its consolidation herein. Since that time, however, the Central District remanded that action to state court, and denied the transfer motion as moot.

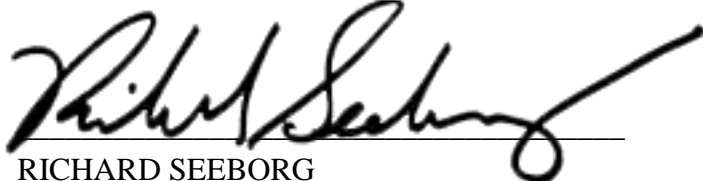
It is unclear whether plaintiffs contend there is any basis for the state law claims of Heather

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Castro to remain in this action, given these developments. Accordingly, no later than July 27, 2015, plaintiffs shall either dismiss Heather Castro’s claims in this action without prejudice, or shall file a brief not to exceed five pages setting forth their arguments as to why maintaining those claims in this forum is appropriate. Within one week of the filing of any such brief, defendants may file a response, also not to exceed five pages. Upon the dismissal of Heather Castro or the completion of any such further briefing, the motion to dismiss the two federal claims for relief brought by Jean-Philippe Castro, as well as his portion of the third claim for relief, will be resubmitted for decision. The Case Management Conference is hereby continued to August 20, 2015.

IT IS SO ORDERED.

Dated: July 17, 2015


RICHARD SEEBORG
United States District Judge