

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEYHAN MOHANNA,
Plaintiff,

v.

OCWEN LOAN SERVICING, LLC, et al.,
Defendants.

Case No. 21-cv-08043-VC

**ORDER GRANTING MOTION TO
REMAND AND DENYING MOTION
TO DISMISS AND REQUEST FOR
JUDICIAL NOTICE AS MOOT**

Re: Dkt. Nos. 10, 11, 15

The defendants have not carried their burden to show the diversity of citizenship required under 28 U.S.C. § 1332(a)(1). At least one of the defendants—Western Progressive Trustee, LLC—appears to be a limited liability company. The citizenship of such entities does not depend on their place of incorporation and principal place of business but instead on the citizenship of their members. *Johnson v. Columbia Properties Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006). That information was not included in the defendants’ removal documents or opposition brief.

Even though the Rosenthal Act claim incorporates provisions of the Federal Fair Debt Collection Practices Act, the defendants have not identified any federal issue—let alone a contested and substantial one—that would give rise to federal question jurisdiction. *See Grable & Sons Metal Products, Inc. v. Darue Engineering & Manufacturing*, 545 U.S. 308, 310, 313–14 (2005). And beyond mentioning the statute in passing, the defendants do not explain how this case arises under Title 11 or arises in or is related to cases brought under Title 11. *See* 28 U.S.C. § 1334(b).

The case is remanded to the Superior Court of California for the County of San

Francisco. The defendants' motion to dismiss and request for judicial notice are denied as moot.

IT IS SO ORDERED.

Dated: November 17, 2021

A handwritten signature in black ink, appearing to read 'Vince Chhabria', written over a horizontal line.

VINCE CHHABRIA
United States District Judge