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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DONALD NORMAN,

Plaintiff,

v.

INTERSANGO, LLC, ET AL.,

Defendants.

Case No. 16-cv-03587-YGR

**ORDER GRANTING DEFENDANT'S MOTION
TO DISMISS**

Re: Dkt. No. 23

Plaintiff brings this derivative shareholder action against defendants for alleged breaches of fiduciary duties and other violations of law from June 27, 2011 through the present. (Dkt. No. 1, "Compl.") Specifically, plaintiff brings the following causes of action against defendants Patrick Strateman and Amir Taaki: (i) breach of fiduciary duty; (ii) gross mismanagement; and (iii) abuse of control. Plaintiff also brings the following claims against defendants Patrick Strateman and Jamie Strateman: (i) conspiracy to commit conversion of corporate funds; (ii) conversion of corporate funds and other assets; (iii) conspiracy to commit fraud; and (iv) fraud. Additionally, plaintiff brings a claim for unjust enrichment against Patrick Strateman only. Finally, plaintiff brings a demand for an accounting of all of Intersango, LLC's assets.

On September 1, 2016, defendant Patrick Strateman filed a motion to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) for lack of subject matter jurisdiction and failure to state a claim, respectively. (Dkt. No. 23.) On September 15, 2016, plaintiff filed a notice of non-opposition, but requested that the case be dismissed for lack of subject matter jurisdiction without prejudice and with leave to amend. (Dkt. No. 31.) On September 21, 2016, defendant Patrick Strateman filed a reply agreeing that the action should be dismissed without prejudice for lack of subject matter jurisdiction pursuant to Rule 12(b)(1). (Dkt. No. 32.)


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Having carefully considered the pleadings and the papers submitted on this motion, the Court **GRANTS** defendant's motion and **DISMISSES** the action without prejudice for lack of subject matter jurisdiction. Plaintiff shall have fourteen (14) days from this Order to submit an amended complaint, and defendants shall have fourteen (14) days thereafter to file responsive papers. If no amended complaint is filed within the period set by the Court, the Clerk shall close the action.

This Order terminates Docket Number 23.

IT IS SO ORDERED.

Dated: September 27, 2016


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE