

1
2
3
4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
6

7 KRIS TEPLIN,
8 Plaintiff,

9 v.

10 THE UNITED STATES OF AMERICA, et
11 al.,
12 Defendants.

Case No.17-cv-02445-HSG

**ORDER DIRECTING SUPPLEMENTAL
BRIEFING ON DEFENDANTS'
MOTIONS TO DISMISS**

Re: Dkt. No. 12, 17

13 Plaintiff Kris Teplin alleges a cause of action against Defendant Wendi Joiner in her
14 individual capacity under the Drug Dealer Liability Act, Cal. Health & Safety Code §§ 11700 et
15 seq. (“DDLA”). Dkt. No. 1 ¶¶ 46-61. In her Complaint, however, Plaintiff does not allege a basis
16 for subject matter jurisdiction over Joiner. See id. ¶¶ 7 (alleging basis for subject matter
17 jurisdiction over Defendant United States but not Joiner). Neither Plaintiff nor Joiner mentions
18 the subject matter jurisdiction issue in its briefing.

19 “[F]ederal courts have a duty to raise and decide issues of subject matter jurisdiction sua
20 sponte, if at any time it appears that subject matter jurisdiction may be lacking.” Bank Julius Baer
21 & Co. Ltd v. Wikileaks, 535 F. Supp. 2d 980, 984 (N.D. Cal. 2008). Here, the Court may be able
22 to exercise supplemental jurisdiction over Plaintiff’s DDLA claim against Joiner, but it is also true
23 that “district courts may decline to exercise supplemental jurisdiction over a claim . . . if the claim
24 raises a novel or complex issue of [s]tate law.” 28 U.S.C. § 1367(c)(1). California courts have
25 said little about the DDLA or its statute of limitations, which the Court must analyze in
26 determining whether Plaintiff’s claim is time-barred. Thus, the case very likely presents a novel
27 issue of state law.


28 As such, Plaintiff, Joiner, and the United States are each directed to submit simultaneous

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

supplemental briefs, not to exceed five pages, focusing on whether and on what basis the Court has subject matter jurisdiction over Plaintiff's DDLA claim against Joiner. The briefs must be submitted by November 14, 2017. No responsive filings will be permitted.

IT IS SO ORDERED.

Dated: 10/31/2017


HAYWOOD S. GILLIAM, JR.
United States District Judge