

United States District Court
For the Northern District of California

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

E-FILED on 7/8/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

KIMBERLY A. BROCKINGTON, also
known as KIMBERLY A. SCHATZ, and
LALLY BROCKINGTON,

Plaintiffs,

v.

J.P. MORGAN CHASE BANK, N.A., a
National Banking Association, NDEX
WEST, LLC, a Texas Limited Liability
Company, and DOES 1 to 20, inclusive,

Defendants.

No. C-08-05795 RMW

ORDER CONTINUING HEARING ON
PLAINTIFFS' MOTION TO REMAND

[Re Docket No. 29]


Plaintiffs' motion to remand is presently calendared for hearing on July 17, 2009. On July 1, 2009, however, the court granted defendant's motion to dismiss the first amended complaint and granted twenty days leave to amend, a deadline that falls after the noticed hearing date for the motion to remand. Accordingly, on its own motion, the court hereby continues the hearing on the motion to remand to July 31, 2009 at 9:00.

Although the briefing on the motion has closed with the filing of plaintiff's reply brief on July 2, 2009, the court observes that the parties have not addressed whether the court has diversity jurisdiction over this matter pursuant to 28 U.S.C. §1332. Accordingly, the parties are each requested to submit a supplemental brief, no more than three pages, addressing whether the court

1 has diversity jurisdiction and, if so, how that basis for jurisdiction impacts the motion to remand.
2 Plaintiff's brief shall be filed no later than July 22, 2009 and defendant's brief shall be filed no later
3 than July 27, 2009.

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

DATED: 7/8/09



RONALD M. WHYTE
United States District Judge

