



1 based on this Court’s original jurisdiction over Plaintiff’s TILA claim, under 28 U.S.C. § 1441(b).  
2 See Notice of Removal at ¶ 5. Regarding all of Plaintiff’s other claims, the Banks alleged this  
3 Court has supplemental jurisdiction under 28 U.S.C. § 1367(a) and 28 U.S.C. § 1441(c). *Id.* ¶ 6.  
4 First American joined in the notice of removal. *Id.*, Ex. A.

5 The Banks moved to dismiss all of Plaintiff’s claims on January 13, 2010; First American  
6 similarly moved on January 19, 2010. See Dkt. Nos. 5,7. After this, on June 4, 2010, Plaintiff filed  
7 an Amended Complaint. Again, Defendants moved to dismiss the Amended Complaint. Banks’  
8 Mot. to Dismiss (Dkt. No. 22); First American Mot. to Dismiss (Dkt. No. 24).

9 In their Motion to Dismiss, the Banks argue that all of Plaintiff’s claims, including the  
10 fourth cause of action, should be dismissed. As in the initial Complaint, the fourth cause of action  
11 in the Amended Complaint alleges violations of the California UCL based “solely” on underlying  
12 TILA violations. Amended Complaint (Dkt. No. 15) at ¶¶ 51-55. The Banks argued that this claim  
13 should be dismissed for failure to state a claim. See Banks’ Mot. to Dismiss at 9-13. In his  
14 Opposition to the Banks’ Motion to Dismiss, Plaintiff states that he “[d]oes not oppose Defendants’  
15 motion to dismiss his fourth cause of action.” See Pl.’s Opp’n (Dkt. No. 37) at 8. Accordingly, the  
16 Court hereby DISMISSES Plaintiff’s fourth cause of action WITH PREJUDICE.

17 Dismissal of this cause of action removes the only federal claim, and the only source of  
18 original federal jurisdiction, from Plaintiff’s Amended Complaint. In this situation, it is within the  
19 Court’s discretion to exercise supplemental jurisdiction over the remaining claims, or not.  
20 *Carlsbad Tech., Inc. v. HIF BIO, Inc.*, 129 S. Ct. 1862, 1866-67 (2009); 28 U.S.C. § 1367(c) (“The  
21 district courts may decline to exercise supplemental jurisdiction over a claim under subsection (a)  
22 if . . . the district court has dismissed all claims over which it has original jurisdiction . . . .”) The  
23 Court declines to exercise supplemental jurisdiction over the rest of Plaintiff’s claims. Therefore,  
24 this matter is hereby REMANDED to the Superior Court for Santa Clara County. The hearing on  
25 the Defendants’ Motions to Dismiss, set for October 21, 2010 is hereby VACATED.  
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**IT IS SO ORDERED.**

Dated: October 18, 2010

  
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LUCY H. KOH  
United States District Judge