

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SHANNON McFARLAND,  Plaintiff,  v.  COUNTY OF SANTA CRUZ, SHERIFF PHIL WOWAK, OFFICER WILLIAM GAZZA, OFFICER CHRISTOPHER HANKES, OFFICER JOHN HABERMEHL, BRUCE MCFARLAND, and DOES 1-99, inclusive,  Defendants.	Case No. C-12-01727 RMW  <b>ORDER GRANTING PLAINTIFF'S MOTION TO REMAND</b>  <b>Re: Docket Nos. 42 and 43</b>
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Plaintiff Shannon McFarland moves the court for an order remanding this action to state court on the basis that only state law claims remain against California resident Bruce McFarland. Dkt. No. 42. Plaintiff also moves for an order shortening time for hearing her motion to remand on the basis that the parties will suffer prejudice preparing for trial in this court if the court ultimately remands. Dkt. No. 43. Defendant opposes plaintiff's motion to remand on the basis that this court has already set a trial date, and he will be prejudiced by having to wait for the state court to resolve the issue. *See* Dkt. No. 48.

Having reviewed the record in this case, the papers submitted by the parties, and for the reasons set forth below, the court grants plaintiff's motions. Remand is proper because no federal

**REMAND ORDER**  
Case No. C-12-01727 RMW  
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1 question remains in this case and the court lacks subject matter jurisdiction. 28 U.S.C. § 1447(c).  
2 Although the court has set a trial date, the court has done nothing substantive with respect to the  
3 state law issue in this case and concludes that it would be improper to retain jurisdiction over  
4 plaintiff's state law claim where no diversity exists.

5 Because both parties will benefit from an expedient order on plaintiff's motion to remand, the  
6 court deems this motion proper for a decision without a hearing, *see* Civ. L.R. 7-1(b), and GRANTS  
7 plaintiff's motion to remand on the papers.

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9 Dated: May 13, 2013

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Ronald M. Whyte  
United States District Court Judge