

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SON P. DANG

Plaintiff,

v.

RESIDENTIAL CREDIT SOLUTIONS, INC.;
JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION (fka EMC MORTGAGE,
LLC); J.P. MORGAN MORTGAGE
ACQUISITION CORP.; QUALITY LOAN
SERVICE CORP.; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC.; and DOES 1 through 20, inclusive,

Defendants.

Case No. C-14-02587-RMW

**ORDER DENYING MOTION TO
DISMISS AND DENYING MOTION
TO REMAND**

[Re Docket Nos. 6, 18]

Plaintiff Son P. Dang filed a complaint in state court alleging seven causes of action relating to a mortgage involving defendants. Dkt. No. 1-2. Defendants removed to this court on the basis of diversity jurisdiction. Dkt. No. 1. Defendants then filed a motion to dismiss. Dkt. No. 6. Plaintiff filed a motion to remand. Dkt. No. 18. The parties then stipulated to plaintiff amending the complaint, and plaintiff filed the amended complaint on August 20, 2014. Dkt. No. 36. The parties agree that the motion to dismiss is rendered moot by the filing of the amended complaint, but plaintiff still pursues the motion to remand.

1 The initial complaint did not allege any federal causes of action, and was removed on the
2 basis of diversity jurisdiction. Plaintiffs challenged that the amount in controversy requirement was
3 met. The amended complaint includes a new claim for violation of 12 U.S.C. § 2605. The inclusion
4 of this federal claim therefore gives this court federal question jurisdiction under 28 U.S.C. § 1331.
5 Plaintiff even acknowledges this fact in the amended complaint: “Plaintiff is informed and believes
6 that this Court has jurisdiction over this case pursuant to 28 U.S.C. § 1331.” Dkt. No. 36 ¶ 12.
7 Accordingly, plaintiff’s motion to remand is DENIED, and defendants’ motion to dismiss is
8 DENIED as MOOT.

9 At the hearing, defendants orally moved for sanctions and costs for having to respond to the
10 motion to remand, despite the express inclusion of a federal claim and statement of jurisdiction in
11 the amended complaint. Defendants may file a brief of not more than three pages in length
12 explaining any legal basis for sanctions under these circumstances and a declaration supporting the
13 reasonableness of any claim for attorney’s fees. The brief and declaration must be filed by
14 September 15, and any opposition by plaintiff must be filed by September 22.

15 SO ORDERED.

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18 Dated: September 3, 2014



Ronald M. Whyte
United States District Judge