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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NATIONWIDE BIWEEKLY
ADMINISTRATION, INC.,

Plaintiff,

v.

JAN LYNN OWEN, et al.,

Defendants.

Case No. 14-CV-05166-LHK

**ORDER REQUESTING FURTHER
BRIEFING**

On November 21, 2014, Plaintiff Nationwide Biweekly Administration, Inc. (“Plaintiff” or “Nationwide”) filed the instant lawsuit in this Court. *See* ECF No. 1. Plaintiff’s Complaint referenced related litigation pending before the undersigned in a case captioned *Loan Payment Administration LLC v. Hubanks*, No. 14-CV-4420-LHK (N.D. Cal.).¹ ECF No. 1 ¶ 7. On January 9, 2015, Defendant Jan Owen (“Defendant”), in her official capacity as Commissioner of the Department of Business Oversight for the State of California (“DBO”), filed a motion to dismiss Plaintiff’s Complaint pursuant to Federal Rule of Civil Procedure 12. ECF No. 30. On page nine of Defendant’s motion, Defendant argued that the Court should abstain under *Younger v. Harris*,

¹ In the related action, Nationwide is a plaintiff, and the defendants include the district attorneys for Marin and Monterey counties.

1 401 U.S. 37 (1971). ECF No. 30 at 9 n.2. This motion was set for hearing on April 16, 2015.
2 ECF No. 49. The Court subsequently vacated the hearing date, finding the motion suitable for
3 decision without oral argument, and has not yet issued an order disposing of the motion. *See* ECF
4 No. 51.

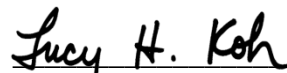
5 On May 18, 2015, the Defendants in the related proceeding moved to dismiss
6 Nationwide's complaint arguing that the Court should decline to exercise jurisdiction of Plaintiffs'
7 causes of action pursuant to *Younger v. Harris*, 401 U.S. 37, based on an enforcement action filed
8 against Plaintiffs in the Superior Court of the State of California on May 15, 2015. *See Loan*
9 *Payment Administration LLC v. Hubanks*, No. 14-CV-4420-LHK (N.D. Cal. May 18, 2015), ECF
10 No. 58. The state court proceeding, *California v. Nationwide Biweekly Administration, Inc.*, No.
11 RG15770490, was brought on behalf of the defendant district attorneys in *Loan Payment*, the
12 Alameda county district attorney, and counsel for the DBO—the defendant in the instant case.

13 The Court hereby *sua sponte* ORDERS the parties to provide supplemental briefing
14 regarding the impact of the state court enforcement action on Defendant's motion to dismiss based
15 on *Younger v. Harris*, 401 U.S. 37. Defendant shall file a supplemental brief of no more than five
16 (5) pages by June 3, 2015. Plaintiff may file an opposition of no more than five (5) pages by June
17 10, 2015. Defendant may file a reply, if any, of no more than two (2) pages by June 17, 2015.
18 The Court also SETS a hearing on this issue for June 25, 2015, at 1:30 p.m.

19 **IT IS SO ORDERED.**

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21 Dated: May 26, 2015



LUCY H. KOH
United States District Judge

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