

1 opposition to the motion. (*See* Doc. 14.) Instead, Plaintiffs filed a motion to remand the matter to
2 state court. (Doc. 11). Defendant filed an opposition, (Doc. 12), and Plaintiff filed a reply (Doc. 13.)

3 Plaintiff argues the case should be remanded because the FAC relies exclusively on state law
4 claims. Defendant argues that the Court should maintain jurisdiction because removal was proper and
5 Plaintiffs are engaged in a bad-faith attempt to manipulate the forum.

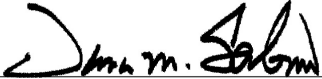
6 Courts have discretion to remand cases in which federal question jurisdiction existed at the
7 time of removal, but the federal claim is later dismissed. *Carnegie-Mellon Univ. v. Cohill*, 484 U.S.
8 343, 356 (1988). Principles of judicial economy, convenience, fairness, and comity are considered
9 when determining whether to exercise jurisdiction over supplemental state law claims. *Id.* A court
10 may also consider whether the plaintiff has attempted to manipulate the forum in deciding whether or
11 not to remand the case. *Id.*

12 Defendant contends that the lawsuit was filed for an improper purpose, *i.e.* to force a loan
13 modification, and that Plaintiff is seeking a remand simply as a delay tactic. However, the parties
14 dispute the circumstances surrounding the contacts between Plaintiff and Defendant regarding the
15 attempted loan modification. Further, it does not appear that Plaintiff has attempted to manipulate the
16 forum. The original complaint asserted largely state law claims. While Defendant had the right to
17 remove the action to federal court, Plaintiff also had the right to amend the complaint to remove the
18 federal claim and seek remand. *Baddie v. Berkeley Farms*, 64 F.3d 487, 491 (9th Cir. 1995).
19 Additionally, the case is in the early stages of litigation. Although the original complaint was filed
20 more than one year ago, the parties have not moved beyond the pleading stage and discovery has not
21 yet begun.

22 Accordingly, Plaintiff's motion to remand is granted. Defendant's motion to dismiss is denied
23 as moot.

24 **IT IS SO ORDERED.**

25 DATED: March 9, 2010

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28 HON. DANA M. SABRAW
United States District Judge