

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

ISMAEL PAGDILAO AND FELY	)	Civil No. 13-00027 SOM/RLP
PAGDILAO,	)	
	)	ORDER DISMISSING CASE FOR LACK
Plaintiffs,	)	OF SUBJECT MATTER JURISDICTION
	)	
vs.	)	
	)	
BENEFICIAL FINANCIAL I INC.,	)	
et al.	)	
Defendants.	)	
_____	)	

**ORDER DISMISSING CASE FOR LACK OF SUBJECT MATTER JURISDICTION**

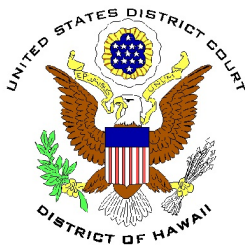
On March 18, 2013, Plaintiffs Ismael Pagdilao and Fely Pagdilao, by and through their attorney Stuart Ragan, filed their First Amended Complaint in this court. On September 9, 2013, this court issued an order requesting that Plaintiffs show how the amount in controversy is in excess of \$75,000, as required to trigger this court's diversity jurisdiction. 28 U.S.C. § 1332. This court expressly noted that if Plaintiffs failed to file a written response by 10:00 a.m. on Friday, September 13, 2013, they would be deemed to be agreeing that this case involves less than the jurisdictional requirement.

Having failed to submit a timely response, Plaintiffs are deemed to have agreed that the amount in controversy is not in excess of \$75,000, and this case is hereby dismissed for lack of subject matter jurisdiction.

To the extent Defendant has made a request for attorney's fees and costs, this court declines to reach that issue because it was raised for the first time in Defendant's reply memorandum in support of its motion for summary judgement, thereby depriving Plaintiffs of an opportunity to brief what would normally be raised in a motion that complies with Local Rule 54.3.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, September 13, 2013.



/s/ Susan Oki Mollway  
Susan Oki Mollway  
Chief United States District Judge

Ismael Pagdilao, et al. v. Beneficial Financial I Inc.; Civil No. 13-00027 SOM/RLP; ORDER DISMISSING CASE FOR LACK OF SUBJECT MATTER JURISDICTION