

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
RENO, NEVADA

MARCELL GARDONE,	)	2:10-CV-982-ECR-RJJ
	)	
Plaintiff,	)	MINUTES OF THE COURT
	)	
vs.	)	DATE: August 25, 2010
	)	
COUNTRYWIDE KB HOME LOANS, LLC, a	)	
domestic limited liability company;	)	
CHRISTI STIGLER, individually;	)	
COUNTRYWIDE MORTGAGE VENTURES, LLC, a	)	
foreign limited liability company; BAC	)	
HOME LOAN SERVICING, LP, a foreign	)	
limited partnership; et al	)	
	)	
	)	
Defendants.	)	
	)	

PRESENT: EDWARD C. REED, JR. U. S. DISTRICT JUDGE

Deputy Clerk: COLLEEN LARSEN Reporter: NONE APPEARING

Counsel for Plaintiff(s) NONE APPEARING

Counsel for Defendant(s) NONE APPEARING

MINUTE ORDER IN CHAMBERS

Now pending before the Court are Defendants' motion to dismiss (#8) and Plaintiff's motion to remand (#12). The motions are ripe, and we now rule on them.

Plaintiff contends that this action must be remanded because we do not have federal question jurisdiction. Defendants contend that Plaintiff's claims, though pled as state law causes of action, require us to resolve issues of federal law. Specifically, Defendants posit that the documents governing Plaintiff's home loan are themselves regulated by RESPA and TILA. Thus, the Court will be required to interpret RESPA and TILA in order to evaluate Plaintiff's claims.

We disagree. Plaintiff's complaint alleges ten claims for relief: (1) breach of contract; (2) breach of contractual covenant of good faith; (3) violation of Nev. Rev. Stat. § 598D; (4) consumer fraud under Nev. Rev. Stat. § 41.600 and Nev. Rev. Stat. § 598 prohibiting deceptive trade practices; (5) fraud; (6) constructive fraud; (7) negligent misrepresentation; (8) negligence; (9) tortious interference with contract and; (10) civil conspiracy. All of Plaintiff's claims arise under Nevada

