

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BALJIT DOSANJH, SUKHINDER  
DOSANJH,

Plaintiffs,

v.

LITTON LOAN SERVICING; WELLS  
FARGO BANK, N.A.; QUALITY LOAN  
SERVICE, CORP., and DOES 1-50  
Inclusive,  
Defendants.

Case No. 2:09-CV-02535-JAM-DAD

ORDER RE: MOTION TO DISMISS AND  
REMAND ORDER

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This matter comes before the Court on Defendant Wells Fargo  
Bank, N.A.'s ("Defendant's") Motion to Dismiss, (Doc #29),  
Plaintiffs Baljit Dosanjh and Sukhinder Dosanjh's  
("Plaintiffs'") Second Amended Complaint (Doc. #24) for failure  
to state a claim pursuant to Federal Rule of Civil Procedure

12(b)(6).<sup>1</sup> Plaintiffs oppose the motion.<sup>2</sup> The Court has taken  
Judicial Notice of all documents as requested by Defendants.

This case was removed from state court to federal court on  
the basis of federal question jurisdiction. Plaintiffs' original  
complaint brought claims for relief for violation of the federal  
Truth in Lending Act ("TILA") and the Real Estate Settlement  
Procedures Act ("RESPA"), along with supplemental state law  
claims. Plaintiffs have since amended their complaint twice, and  
it no longer contains any federal claims for relief. Federal  
claims for relief are named in the caption and the opening  
paragraph of the Complaint, but are not set forth as individual  
claims for relief in the body of the Complaint.

"Subject to the conditions set forth in 28 U.S.C.  
§1367(c), district courts may decline to exercise supplemental  
jurisdiction over state law claims... In the usual case in which  
federal law claims are eliminated before trial, the balance of  
factors will point toward declining to exercise jurisdiction  
over the remaining state law claims." Keen v. American Home  
Mortgage Servicing, Inc., 2010 WL 624306, at \*1 (E.D. Cal. Feb.  
18, 2010) (internal citations omitted). Accordingly, because no

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<sup>1</sup> This motion was determined to be suitable for decision without  
oral argument. E.D. Cal. L.R. 230(g).

<sup>2</sup>The Court notes that Plaintiffs' opposition appeared to be a  
boilerplate, cut and paste brief. Counsel failed to even name  
the correct plaintiffs in the case.

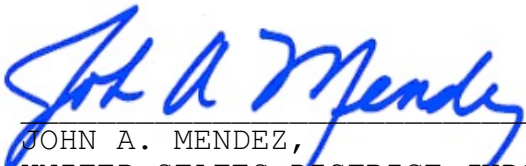
1 federal claims remain in this action, the Court declines to  
2 exercise supplemental jurisdiction over the remaining state law  
3 claims.  
4

5 ORDER

6 For the reasons set forth above, the Court declines to  
7 exercise jurisdiction over the remaining state law claims. This  
8 case is hereby remanded to the Superior Court in and for the  
9 County of Sacramento.  
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12 IT IS SO ORDERED.

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14 Dated: April 22, 2010

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16 JOHN A. MENDEZ,  
17 UNITED STATES DISTRICT JUDGE  
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