

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Short v. ZBS Law LLP

No. 24-cv-07908-RFL, United States District Court for the Northern District of California (September 3, 2025)

SUMMARY

The United States District Court for the Northern District of California denies Wilton Short’s motion for leave to file a Second Amended Complaint in a foreclosure-related action. The court concludes that the proposed state-law claims would not establish diversity or federal-question jurisdiction, declines supplemental jurisdiction, and finds amendment futile; the previously dismissed claims remain dismissed with prejudice and the case is closed.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Rita F. Lin
JURISDICTION	United States District Court for the Northern District of California
DECIDED	September 3, 2025
DOCKET	24-cv-07908-RFL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to file a Second Amended Complaint after the First Amended Complaint had been dismissed with leave to amend. The court denied leave to amend because the proposed amendment would be futile for lack of subject matter jurisdiction.
STANDARD OF REVIEW	Leave to amend is generally freely given when justice so requires, but denial is proper when the proposed amendment would be futile. The court assessed futility based on the proposed pleading's failure to establish subject matter jurisdiction.
PRECEDENTIAL VALUE	Unpublished district court order; persuasive rather than binding precedent.
PARTIES	Wilton C. Short v. ZBS Law LLP, et al.

TOPICS

- motion to amend
- subject matter jurisdiction
- civil procedure
- foreclosure
- real estate

PRACTICE AREAS

Civil procedure

Federal jurisdiction

Real estate foreclosure

QUESTIONS PRESENTED

1. Whether leave to file the proposed Second Amended Complaint should be granted when the proposed pleading fails to establish diversity jurisdiction.
2. Whether the proposed state-law claims independently support federal-question jurisdiction.
3. Whether the court should exercise supplemental jurisdiction over the proposed state-law claims based on previously dismissed federal claims.

HOLDINGS

1. The proposed Second Amended Complaint did not establish diversity jurisdiction because Short failed to plead the citizenship of ZBS Law LLP's members, and the record indicated that at least its managing partner was a California citizen.
2. The proposed claims did not support federal-question jurisdiction because, even when liberally construed, none arose under the Constitution, laws, or treaties of the United States.
3. Leave to amend was denied because the court would lack subject matter jurisdiction over the proposed Second Amended Complaint, making the amendment futile.

KEY QUOTATIONS

“Because the Court would lack subject matter jurisdiction over the Proposed SAC, amendment would be futile, and leave to amend is DENIED.”

“Because there will be no amendment, the previously dismissed claims in the First Amended Complaint shall remain dismissed with prejudice (see Dkt. No. 52 at 9-10), and the case will be closed.”

FACTUAL BACKGROUND

Short's proposed Second Amended Complaint asserted new state-law claims related to a foreclosure and alleged that he was a California citizen. It alleged that ZBS Law LLP had its principal place of business in California but did not allege the citizenship of the LLP's members. Short conceded that diversity had not been adequately pleaded, and a declaration stated that ZBS Law's managing partner was a California citizen.

PROCEDURAL HISTORY

The court previously dismissed Short's First Amended Complaint, which asserted federal and state claims arising from a foreclosure, for failure to state a claim, with leave to amend subject to prior court approval for new claims. Short then sought leave to file a Second Amended Complaint asserting only new state-law claims and alleging diversity jurisdiction. After supplemental briefing, Short conceded that he had not pleaded the citizenship of ZBS Law LLP's members. The court concluded that diversity and federal-question jurisdiction were absent, declined supplemental jurisdiction, denied leave to amend, left the previously dismissed claims dismissed with prejudice, and ordered the case closed.

DISPOSITION

other

CASES CITED

- Carden v. Arkoma Assoc., 494 U.S. 185, 195–96 (1990)
- In re Dynamic Random Access Memory (DRAM) Antitrust Litig., 546 F.3d 981, 990 (9th Cir. 2008)

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