

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Monteverde & Associates PC v. Harpoon Therapeutics, Inc.

Monteverde · No. 24-cv-08935-AMO · Decided June 2, 2025

OPINION

Monteverde & Associates PC v. Harpoon Therapeutics, Inc.

PER CURIAM.

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4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 MONTEVERDE & ASSOCIATES PC, Case No. 24-cv-08935-AMO 8 Plaintiff,

ORDER GRANTING MOTION TO

9 v. REMAND

10 HARPOON THERAPEUTICS, INC., Re: Dkt. No. 13

Defendant. 11 12 13 Before the Court is Plaintiff Monteverde & Associates P.C.’s motion to remand this case to 14 San Mateo Superior Court. ECF 13. Having considered the parties’ papers and the arguments 15 made therein, as well as the relevant legal authority, the Court finds that federal jurisdiction is not 16 proper over this matter. 17 Because it invokes the Court’s jurisdiction, Harpoon bears the burden of establishing that 18 removal was proper. *Geographic Expeditions, Inc. v. Estate of Lhotka ex rel. Lhotka*, 599 F.3d 19 1102, 1106-07 (9th Cir. 2010) (“A removing defendant bears the burden of establishing by a 20 preponderance of the evidence that removal was proper.”) Harpoon contends that the “state-law 21 claim[s] necessarily state[] a federal issue, actually disputed and substantial, which a federal forum 22 may entertain without disturbing any congressionally approved balance of federal and state 23 judicial responsibilities.” *Grable & Sons Metal Prods., Inc. v. Darue Eng’g & Mfg.*, 545 U.S. 308 24 (2005). Plaintiff’s state-law claims, however, do not raise a substantial federal issue if the issue 25 “is fact-bound and situation-specific . . . or raises only a hypothetical question unlikely to affect 26 interpretations of federal law in the future.” *Cnty. of San Mateo v. Chevron Corp.*, 32 F.4th 733, 27 747 (9th Cir. 2022). Here, the federal questions raised by Plaintiff’s state law claims include 1 disclose any of the omitted information from the Original Proxy Statement in the first place, 2 || whether the Original Proxy Statement was misleading, and whether the Supplemental Disclosures 3 || were material. These questions are “fact-bound and situation-specific” because their resolution 4 || will necessarily involve examination of the particular disclosures and circumstances at issue in this 5 case. Because Harpoon has not shown that the federal issues are substantial, this Court lacks 6 subject matter jurisdiction, and this case must be remanded. 28 U.S.C. § 1447(c). Plaintiff’s 7

motion is therefore GRANTED. The Clerk of Court is directed to transmit the file in this matter 8
|| back to the State Court. All pending deadlines and hearings scheduled before this Court 9 || are
VACATED. 10 11 IT IS SO ORDERED. 12 Dated: June 2, 2025
ARACELI MARTINEZ-OLGUIN
15 United States District Judge 16 = 17 Z 18 19 20 21 22 23 24 25 26 27 28

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