

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Roberts v. Eclipz.io, Inc.

Roberts · No. 25-cv-00306-VKD · Decided March 12, 2025

SUMMARY

The court grants the parties’ stipulation permitting the plaintiff to file an amended complaint eliminating the RICO claim that supplied federal-question jurisdiction. Because the stipulated remand is dispositive and the magistrate judge lacked consent from all parties to enter it, the court recommends that the newly assigned district judge approve remand to the Santa Clara County Superior Court after the amended complaint is filed.

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6
SAN JOSE DIVISION 7 8 PAUL ROBERTS, Case No. 25-cv-00306-VKD 9 ORDER
GRANTING STIPULATION Plaintiff, RE AMENDED COMPLAINT 10 v. ORDER FOR
REASSIGNMENT TO A 11 DISTRICT JUDGE; REPORT AND RECOMMENDATION RE 12
ECLIPZ.IO, INC., et al., STIPULATION FOR REMAND TO STATE COURT 13 Defendants. Re:
Dkt.

Nos. 7, 8 14 15 On January 8, 2025, defendant James Rautner removed this action from the Santa
Clara 16 County Superior Court, asserting federal question jurisdiction under 28 U.S.C. § 1331
based on 17 plaintiff Paul Roberts’s claim for relief under the Racketeer Influenced and Corrupt
Organizations 18 Act (“RICO”), 18 U.S.C. §§ 1961, et seq. Dkt. No. 1. Messrs.

Roberts and Rautner¹ now 19 stipulate to the filing of an amended complaint that, among other
things, disposes of Mr. Roberts’s 20 RICO claim, thereby eliminating the basis for federal subject
matter jurisdiction. Dkt. No. 7.

The 21 parties further stipulate that this action shall be remanded to the state court. Dkt. No. 8. 22
The parties’ stipulation regarding the filing of Mr. Roberts’s proposed amended complaint 23 is
granted. Mr. Roberts shall file his proposed amended complaint as a separate entry on ECF by 24
March 19, 2025. 25 The parties further stipulate to the remand of this matter to the Santa Clara
County 26 Superior Court.

The parties’ proposed remand order presents a dispositive matter, and absent 27 1 consent of all
parties, this Court lacks jurisdiction to enter the proposed order. See 28 U.S.C. 2 || § 636(c)(1);
Williams v. King, 875 F.3d 500 (9th Cir. 2017); Flam v. Flam, 788 F.3d 1043 (9th 3 || Cir. 2015).

This Court recommends that upon Mr. Roberts's filing of his amended complaint, the 4 || newly assigned district judge approve the parties' stipulated request for remand to the Santa Clara 5 County Superior Court.

Any party may file objections to this recommendation within fourteen 6 days. Fed. R. Civ. P. 72(b); Civil L.R. 72-3 7 IT IS SO ORDERED. 8 Dated: March 12, 2025 9 <«® 10 Virginia K. DeMarchi 11 United States Magistrate Judge 12 15 16 = 17 Z 18 19 20 21 22 23 24 25 26 27 28