






1 **Ruling of the Court**

2 Defendants seek dismissal on grounds that Plaintiff has failed to establish that the Court has  
3 subject matter jurisdiction over this action. The FAC does not allege grounds for federal subject  
4 matter jurisdiction because the FAC does not allege that the United States is a party, diversity of  
5 citizenship or a federal question. Plaintiff has not filed any opposition to Defendants' Motions to  
6 Dismiss. Plaintiff has also filed Motions to Dismiss the action where she concedes that the Court  
7 lacks subject matter jurisdiction. Based on the foregoing, the Court concludes that Plaintiff has failed  
8 to establish that the Court has subject matter jurisdiction over the action.

9 IT IS HEREBY ORDERED that (1) the Motion to Dismiss (Doc. # 9) filed by Defendant San  
10 Diego State University is **GRANTED**; (2) the Motion to Dismiss (Doc. # 11) filed by Defendants  
11 David Copley, San Diego Union-Tribune, Mark Sauer is **GRANTED**; (3) the Motion to Dismiss (Doc.  
12 # 12) filed by Defendant Tanya Lysenko is **GRANTED**; (4) the Motion to Dismiss (Doc. # 13) filed  
13 by Defendant Elizabeth Loftus is **GRANTED**; (5) the Motion to Dismiss (Doc. # 16) filed by  
14 Defendant Michael Aquino is **GRANTED**; (6) the Amended Motion to Strike the Complaint (Doc.  
15 # 20) filed by Defendant Elizabeth Loftus is **DENIED as moot**; (7) the Motion to Dismiss Defendant  
16 Michael Aquino (Doc. # 23) filed by Plaintiff is **GRANTED**; (8) the Motion to Dismiss Defendant  
17 Loftus (Doc. # 24) filed by Plaintiff is **GRANTED**; (9) the Motion to Dismiss Defendants David  
18 Copley, San Diego Union-Tribune and Mark Sauer (Doc. # 25) filed by Plaintiff is **GRANTED**; (10)  
19 the Motion to Dismiss Defendant Board of Trustees of the California State University (Doc. # 26)  
20 filed by Plaintiff is **GRANTED**; (11) the Motion to Dismiss Defendant Tanya Lysenko (Doc. # 27)  
21 filed by Plaintiff is **GRANTED**; and (12) the Ex Parte Motion Requesting a Continuance (Doc. # 41)  
22 filed by Plaintiff is **DENIED as moot**. The FAC is **DISMISSED with leave to amend**. Plaintiff has  
23 leave to amend her Complaint by filing a Second Amended Complaint within sixty (60) days of  
24 the date of this Order. If Plaintiff does not file a Second Amended Complaint within sixty (60) days  
25 of the date of this Order, the Court will dismiss the action without prejudice.

26 DATED: September 16, 2008

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28 **WILLIAM Q. HAYES**  
United States District Judge