

**NOT RECOMMENDED FOR FULL-TEXT PUBLICATION**

**File Name: 07a0230n.06**

**Filed: March 28, 2007**

**No. 06-3737**

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

MELISSA MITCHELL, JENNIFER	)	
FRIETSCH, AND SCOTT OROS,	)	
	)	
<i>Plaintiffs-Appellants,</i>	)	
	)	ON APPEAL from the
v.	)	United States District
	)	Court for the Southern District
	)	of Ohio
ABERCROMBIE & FITCH CO. AND	)	
ABERCROMBIE & FITCH STORES, INC.,	)	
	)	
<i>Defendants-Appellees.</i>	)	

Before: COOK and McKEAGUE, Circuit Judges, and EDGAR, Senior District Judge.\*

PER CURIAM. The district court addressed all issues in this case in a comprehensive, well reasoned opinion entered on March 31, 2006, granting Abercrombie & Fitch Co.’s motion for summary judgment and dismissing all claims under federal and Ohio law. This Court **AFFIRMS** the district court’s judgment on the basis of that opinion. This Court notes, however, that without saying so explicitly, the district court in effect declined to exercise supplemental jurisdiction over the plaintiff’s claims under Pennsylvania law. As acknowledged by counsel for Abercrombie & Fitch Co. at oral argument, the plaintiffs’ claims under Pennsylvania law are deemed to have been dismissed without prejudice by the district court.

---

\* The Hon. R. Allan Edgar, Senior United States District Judge for the Eastern District of Tennessee, sitting by designation.