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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Jesdeen Liska, nee Keenan, R.N., )

No. CV09-8190-PCT-NVW

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Plaintiff, )

**ORDER**

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vs. )

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United States of America; Officer David  
Dodge, Badge #127 and Jane Doe Dodge,  
Husband and Wife; Lake Havasu City  
Police Department, an Administrative  
Agency of Lake Havasu City; Lake  
Havasu City, a Municipal Corporation;  
Lake Havasu City Police Chief Dan Doyle  
and Jane Doe Doyle, Husband and Wife;  
Dr. Brian Gallman, D.O. and Jane Doe  
Gallman, Husband and Wife; Walgreen  
Arizona Drug Company, a Foreign  
Corporation; John Does 1-5; Jane Does 1-  
5; ABC Corporations 1-5, )

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Defendants. )

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On March 19, 2010, the Court ordered the following:

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• Counts I, II, III, IV, VII, VIII, IX, X, XI, XII, and XVI are dismissed with prejudice.

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• Counts XIX and XX are dismissed with prejudice as to the United States and Walgreen Arizona Drug Company.

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• All claims against the United States, Lake Havasu City Police Department, Police Chief Dan Doyle, and Jane Doe Doyle are dismissed with prejudice.

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- 1 • All claims for punitive damages on state law claims against Lake Havasu  
2 City, Police Chief Doyle, or Officer Dodge are dismissed with prejudice.
- 3 • Counts VI, XIII, XV, and XVIII are dismissed with leave to amend by April  
4 10, 2010.
- 5 • Counts V and XIV against Officer Dodge and Lake Havasu City, Count  
6 XVII against Lake Havasu City, and Counts XIX and XX against Dr.  
7 Gallman, Officer Dodge, and Lake Havasu City are not dismissed.

8 (Doc. # 51.) Plaintiff did not file a proposed Amended Complaint by April 10, 2010, as  
9 permitted by the March 19, 2010 Order. Therefore, Counts VI, XIII, XV, and XVIII will  
10 be dismissed with prejudice.

11 All of the claims remaining in this action are based on state law:

- 12 • Count V (Slander *Per Se*) against Officer Dodge and Lake Havasu City;
- 13 • Count XIV (Interference with Employment Contract) against Officer Dodge  
14 and Lake Havasu City;
- 15 • Count XVII (Failure to Train) against Lake Havasu City;
- 16 • Count XIX (Intentional Infliction of Emotional Distress) against Dr.  
17 Gallman, Officer Dodge, and Lake Havasu City; and
- 18 • Count XX (Negligence) against Dr. Gallman, Officer Dodge, and Lake  
19 Havasu City.

20 The United States removed this case from Mohave County Superior Court  
21 pursuant to 28 U.S.C. §§ 2679(d)(2) and 1442(a)(1) because Plaintiff alleged tort claims  
22 and sought money damages against Parker Indian Hospital and Erna Johnson for acts or  
23 omissions within the course and scope of their duties as deemed federal employees.  
24 Those tort claims and all other federal law claims now will be dismissed with prejudice.  
25 Because all claims over which the Court had original jurisdiction now will be dismissed  
26 and it is early in the action before substantial preparation has gone into the dependent  
27 claims, the Court declines to exercise supplemental jurisdiction over the remaining claims  
28 and will remand the case to Mohave County Superior Court. *See* 28 U.S.C. § 1367(c)(3).

1 IT IS THEREFORE ORDERED that Counts VI, XIII, XV, and XVIII are  
2 dismissed with prejudice.

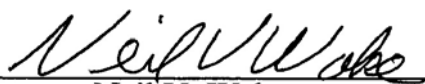
3 IT IS FURTHER ORDERED that the Clerk enter judgment against Plaintiff and in  
4 favor of Defendants on all counts except for Counts V and XIV against Officer David  
5 Dodge, Jane Doe Dodge, and Lake Havasu City; Count XVII against Lake Havasu City;  
6 and Counts XIX and XX against Dr. Brian Gallman, Jane Doe Gallman, Officer David  
7 Dodge, Jane Doe Dodge, and Lake Havasu City. The Court expressly finds there is no  
8 just reason for delay in entry of this judgment and expressly directs immediate entry of  
9 this judgment.

10 IT IS FURTHER ORDERED that this case shall be remanded to the Mohave  
11 County Superior Court for further proceedings regarding Counts V and XIV against  
12 Officer David Dodge, Jane Doe Dodge, and Lake Havasu City; Count XVII against Lake  
13 Havasu City; and Counts XIX and XX against Dr. Brian Gallman, Jane Doe Gallman,  
14 Officer David Dodge, Jane Doe Dodge, and Lake Havasu City.

15 The Clerk shall terminate this action.

16 DATED this 14<sup>th</sup> day of April, 2010.

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Neil V. Wake  
United States District Judge