

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
DELTA DIVISION

NATHANIEL ERVIN

PLAINTIFF

v.

No. 2:20-cv-120-DPM

SOUTHERN PARAMEDIC SERVICES,
INC.

DEFENDANT

ORDER

Southern Paramedic Services' motion to dismiss, *Doc. 25*, is granted. All federal claims in this case have been dismissed with prejudice. *Doc. 23*. Ervin's remaining claim against Southern Paramedic Services is a medical malpractice claim under Arkansas law. Both Ervin and Southern Paramedic Services are citizens of Arkansas, so the Court lacks diversity jurisdiction. 28 U.S.C. § 1332(a). In a case such as this one—where all the federal claims have been eliminated before trial—the balance of relevant factors usually tilts against exercising supplemental jurisdiction. *Marianist Province of United States v. City of Kirkwood*, 944 F.3d 996, 1003 (8th Cir. 2019). The Court concludes, and Southern Paramedic Services agrees, that the discovery done to date (including video depositions) can be used in a later state court case. This litigation is mid-stream; and the case is deep in this Court's line of cases for trial in April 2022. While Ervin will be out a second filing fee, and the time necessary to edit the complaint, those are

de minimis expenses. The Court sees no circumstance that overcomes the presumption created by precedent that a state court should resolve the parties' dispute. The Court therefore declines to exercise supplemental jurisdiction over Ervin's remaining state-law claim. 28 U.S.C. § 1367(c)(3).

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

4 June 2021