Ryan Kieslich v. California Cinema Investments LLC et al

Doc. 22

<u>ORDER</u>

The Court has reviewed the Joint Stipulation and Request for Entry of Order Granting Leave to Amend the Complaint to Withdraw Plaintiff's FLSA Claim and Remand the Action ("Joint Stipulation") submitted by PLAINTIFF RYAN KIESLICH ("Plaintiff"), on behalf of himself and all other similarly situated employees of DEFENDANT CALIFORNIA CINEMA INVESTMENTS, LLC ("Defendant"), and Defendant (collectively, "the parties").

The parties stipulated to the amendment of Plaintiff's First Amended Complaint (Dkt. 1, Exh. "C", Att. "2") so as to withdraw the sole federal claim (Claim 1) without prejudice and request an Order remanding the case to state court. The Court approves the relief requested. The Court declines to exercise supplemental jurisdiction over Claims 2 through 11, which seek recovery predicated on state law <u>Labor Code</u> violations. The Court remands this action to state court.

Accordingly, it is **ORDERED**, **ADJUDGED**, and **DECREED**:

- 1. The Joint Stipulation to Amend Plaintiff's First Amended Complaint so as to withdraw Plaintiff's first claim for relief under the FLSA pursuant to Federal Rule 15(a) is **GRANTED**;
- 2. Claim 1 of Plaintiff's First Amended Complaint ("FAC") is deemed withdrawn without prejudice to the right of Plaintiff to assert such a claim at a later date:
- 3. Plaintiff is granted leave to Amend the FAC by filing the [Proposed] Second Amended Complaint, attached at **Exhibit A** to the parties' Joint Stipulation, pursuant to Local Rule 15-1 *et seq*.
- 4. In light of the amendment of the Plaintiff's complaint so as to withdraw Plaintiff's sole federal claim, the Court is divested of federal question subject matter jurisdiction, and the Court exercises its discretion to remand the instant action to the state court where it originated. The Clerk is therefore directed to **REMAND** this case

1	to the Superior Court for Los Angeles County, Central District, Central Civil West
2	Courthouse, 600 South Commonwealth Avenue, Los Angeles, California, 90005,
3	LASC Case No. BC664439.
4	5. Each of the Parties shall bear his/her/its own attorneys' fees and costs with
5	respect to the removal and subsequent remand of the instant action; and
6	6. After the remand has been effected, the Clerk is directed to CLOSE
7	THIS CASE.
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9	IT IS SO ORDERED.
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11	Dated: October 10, 2017
12	HON. JOHN F. WALTER
13	United States District Judge
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