

1 Starbucks Coffe Co., 698 F. App’x 883, 885 (9th Cir. 2017); Southwell v. Summit View of
2 Farragut, LLC, 494 F. App’x 508, 512 (6th Cir. 2012); Wojewski v. Rapid City Reg’l Hosp., Inc.,
3 450 F.3d 338, 342 (8th Cir. 2006); Owens v. Fresno Foods, LLC, 2017 U.S. Dist. LEXIS 69214,
4 *5 (E.D. Cal. May 5, 2017); Antonetti v. Chipotle Mexican Grill, Inc., 2012 U.S. Dist. LEXIS
5 190562, *7-*8 (S.D. Cal. Mar. 21, 2012). Here, with the death of Plaintiff, her ADA Title III
6 claims are moot and will be dismissed as such. See id.

7 Unlike Plaintiff’s ADA claims, her California law claims do survive her death. See
8 Kalani, 698 F. App’x at 885-86. The Court has supplemental jurisdiction over the California law
9 claims only through the ADA claim. However, with the mooted of Plaintiff’s ADA Title III
10 claim, 28 U.S.C. § 1367(c)(3) is implicated.

11 Under § 1367(c)(3), a district court may decline to exercise jurisdiction over supplemental
12 state law claims if “the district court has dismissed all claims over which it has original
13 jurisdiction.” 28 U.S.C. § 1367(c)(3). The general rule is that when all federal claims are
14 dismissed before trial, “pendent state law claims also should be dismissed.” Religious Tech.
15 Center v. Wollersheim, 971 F.2d 364, 368 (9th Cir. 1992); Schultz v. Sundberg, 759 F.2d 714, 718
16 (9th Cir. 1985). In the specific context of jurisdiction through ADA Title III claims, “courts often
17 decline to exercise supplemental jurisdiction over related state law claims once the ADA claims
18 have been dismissed.” Wyatt v. Rug Emporium, 2016 U.S. Dist. LEXIS 68197, *6 (E.D. Cal.
19 May 24, 2016) (and cases cited therein). Here, the Court is aware of no reason why the general
20 rule should not be followed. This case is in a relatively early state, and trial is not set until July
21 16, 2019. Therefore, the Court will decline to exercise supplemental jurisdiction over the alleged
22 California state law claims. See 28 U.S.C. § 1367(c)(3); Owens, 2017 U.S. Dist. LEXIS 69124 at
23 *6; Wyatt, 2016 U.S. Dist. LEXIS 68197 at *7.

24 Because the Court is declining to exercise supplemental jurisdiction over the remaining
25 state law claims, the Court will deny Ms. Palacios’s motion to substitute. See Rand v. American
26 Nat’l Ins. Co., 2010 U.S. Dist. LEXIS 82584, *5 (N.D. Cal. June 22, 2010) (court retains
27 discretion to deny substitution of a party); Graham v. Henderson, 224 F.R.D. 59, 65 (N.D. N.Y.
28 2004) (same).

ORDER

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's claims under Title III of the ADA are DISMISSED as moot;
2. Pursuant to 28 U.S.C. § 1367(c)(3), the Court DECLINES to exercise supplemental jurisdiction over the remaining California state law claims and those claims are DISMISSED without prejudice;
3. Kristina Palacios's motion to substitute (Doc. No. 15) is DENIED without prejudice; and
4. The Clerk shall CLOSE this case.

IT IS SO ORDERED.

Dated: June 19, 2018



SENIOR DISTRICT JUDGE