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3 **UNITED STATES DISTRICT COURT**
4 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
5

6 **RACHEL BRYANT,**

7 **Plaintiff,**

8 **v.**

9 **TAHOE JOE’S, INC., dba TAHOE JOE’S**
10 **#822, and CEDAR POINTE INVESTORS, LP,**

11 **Defendants.**

1:17-cv-01730-LJO-BAM

DECISION AND ORDER DISMISSING
CASE

12
13 This case involves a civil rights action filed by deceased Plaintiff Rachel Bryant under Title III
14 of the Americans with Disabilities Act of 1990 (“ADA”), 42 U.S.C. §§ 12181-89, the State of
15 California’s Unruh Act, Cal. Civ. Code §51, and various provisions of the California Health and Safety
16 Code. ECF No. 1 at ¶¶ 16-46. During the pendency of the case, Ms. Bryant passed away. ECF No. 15.
17 On June 11, 2018, Plaintiff’s counsel filed a motion to substitute Kristina Palacios, Ms. Bryant’s
18 daughter, in this matter as successor-in-interest. ECF No. 16. Plaintiff’s counsel concedes that Ms.
19 Bryant’s ADA claim was extinguished upon her death, but argues that her Unruh Act claim survives. *Id.*
20 at 2-3.

21 The Court had federal question jurisdiction in this matter based solely on Ms. Bryant’s ADA
22 claim, and there is no allegation that the requirements for diversity jurisdiction are met. *See* ECF No. 1
23 at ¶¶ 3-5. The Court’s jurisdiction over the state law claims in this case is solely supplemental. *See* 28
24 U.S.C. § 1367(a). “[D]istrict courts may decline to exercise supplemental jurisdiction over a claim . . . if
25 the district court has dismissed all claims over which it has original jurisdiction.” 28 U.S.C. §

1 1367(c)(3). “[I]n the usual case in which all federal-law claims are eliminated before trial, the balance of
2 factors to be considered under the pendent jurisdiction doctrine—judicial economy, convenience,
3 fairness, and comity—will point toward declining to exercise jurisdiction over the remaining state-law
4 claims.” *Sanford v. MemberWorks, Inc.*, 625 F.3d 550, 561 (9th Cir. 2010) (quoting *Carnegie-Mellon*
5 *Univ. v. Cohill*, 484 U.S. 343, 350 n.7 (1988)); *see also United Mine Workers of Am. v. Gibbs*, 383 U.S.
6 715, 726 (1966) (“Needless decisions of state law should be avoided both as a matter of comity and to
7 promote justice between the parties, by procuring for them a surer-footed reading of applicable law.”);
8 *Harrell v. 20th Century Ins. Co.*, 934 F.2d 203, 205 (9th Cir. 1991) (“[I]t is generally preferable for a
9 district court to remand remaining pendent claims to state court . . .”). This is not an unusual case. The
10 Court accordingly declines to exercise supplemental jurisdiction over Plaintiff’s state law claims. No
11 basis for federal jurisdiction remains, and this case therefore is DISMISSED WITHOUT PREJUDICE.
12 The Clerk of Court is DIRECTED to close the case.

13 IT IS SO ORDERED.

14 Dated: June 13, 2018

/s/ Lawrence J. O’Neill
UNITED STATES CHIEF DISTRICT JUDGE