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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

COLETTE Y. BLOMQUIST and FEDERICK)
H. BLOMQUIST,)
)
Plaintiffs,)
)
v.)
)
GMAC MORTGAGE; UNION FIDELITY)
MORTGAGE, INC.; EXECUTIVE TRUSTEE)
SERVICES, LLC dba ETS SERVICES,)
LLC; MORTGAGE ELECTRONIC)
REGISTRATION SYSTEMS, INC.; UNION)
FIDELITY MORTGAGE INC. dba UNION)
FIDELITY MORTGAGE; GEORGE ROBERT)
PAUL; RANDOLPH BERKELEY MARTIN;)
CASEY SLEVIN, and DOES 1-20)
inclusive,)
)
Defendants.)
)

2:09-cv-00891-GEB-EFB

ORDER DISMISSING PLAINTIFFS'
FEDERAL CLAIMS AND DECLINING
EXERCISE OF SUPPLEMENTAL
JURISDICTIONAL OVER PLAINTIFFS'
STATE CLAIMS*

On February 19, 2010, Plaintiffs filed a statement of non-opposition to a motion seeking dismissal of Plaintiffs' "TILA and RESPA causes of action" in Plaintiffs' Second Amended Complaint ("SAC"). (Non-Opp'n 1:25-28.) Plaintiffs include in their non-opposition statement a "request that these causes of action be dismissed without prejudice." (Id. 2:1.) Therefore, Plaintiffs' TILA and RESPA claims are dismissed without prejudice.

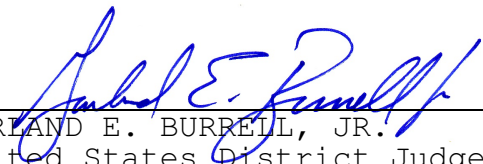
Since this dismissal terminates all federal claims in Plaintiffs' SAC, the Court decides whether it should continue

* This matter is deemed to be suitable for decision without oral argument. E.D. Cal. R. 230(g).

1 exercising supplemental jurisdiction over Plaintiffs' state claims.
2 Under 28 U.S.C. § 1367(c)(3), a district court "may decline to
3 exercise supplemental jurisdiction over a [state] claim" if "all
4 claims over which it has original jurisdiction" have been dismissed.
5 "While discretion to decline . . . supplemental jurisdiction over
6 state law claims is triggered by the presence of one of the conditions
7 in § 1367(c), it is informed by the . . . values of economy,
8 convenience, fairness and comity" as delineated by the Supreme Court
9 in United Mine Workers of Am. v. Gibbs, 383 U.S. 715, 726 (1966).
10 Acri v. Varian Assocs., Inc., 114 F.3d 999, 1001 (9th Cir. 1997) (en
11 banc).

12 "Since state courts have the primary responsibility to
13 develop and apply state law, . . . the Gibbs values do not favor
14 exercise of supplemental jurisdiction over [Plaintiffs'] state claims
15" Anderson v. Countrywide Fin., No. 2:08-cv-01220-GEB-GGH,
16 2009 WL 3368444, at *5 (E.D. Cal. Oct. 19, 2009); see also Acri, 114
17 F.3d at 1001 (stating that "in the usual case in which all federal-law
18 claims are eliminated before trial, the balance of factors will point
19 towards declining to exercise jurisdiction over the remaining state-
20 law claims) (internal quotations and citations omitted). Therefore,
21 Plaintiffs' remaining state law claims are dismissed without prejudice
22 under 28 U.S.C. § 1367(c)(3). This case shall be closed.

23 Dated: March 3, 2010

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GARLAND E. BURRELL, JR.
United States District Judge