1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 COURTNEY WRIGHT, No. 2:13-CV-01681-KJM-EFB 12 Plaintiff. 13 **ORDER** v. 14 THRIFTY PAYLESS, INC., dba RITE AID. TIM HENDERSON, RITE AID 15 CORPORATION, and DOES ONE through FIFTY, 16 Defendants. 17 Plaintiff commenced this action in the Sacramento County Superior Court, 18 19 alleging six claims: (1) false imprisonment; (2) invasion of privacy; (3) defamation; 20 (4) intentional/negligent infliction of emotional distress; (5) breach of the employment contract; 21 and (6) wrongful termination in violation of public policy. (Defs.' Notice of Removal, Compl., 22 Ex. A, ECF No. 1-1.) After defendant removed the case, this court exercised federal question 23 jurisdiction because the fifth claim for breach of the employment contract alleged a dispute over a 24 collective bargaining agreement. (ECF No. 16 at 6.) See Allis-Chalmers Corp. v. Lueck, 471 U.S. 25 202, 209 (1985). On October 14, 2013, the court granted defendants' Motion to Dismiss, 26 dismissing plaintiff's breach of the employment contract claim without prejudice and plaintiff's 27 wrongful termination claim with prejudice. (ECF No. 16 at 10.) 28 ///// 1

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On November 2, 2013, plaintiff filed her First Amended Complaint, alleging four state law claims: (1) false imprisonment; (2) invasion of privacy; (3) defamation; and (4) intentional/negligent infliction of emotional distress. (Pl.'s First Am. Compl. at 4–7, ECF No. 19.) The First Amended Complaint omits the fifth claim for breach of the employment agreement, the only claim supporting the court's initial exercise of federal question jurisdiction. (*See id.*) In addition, the parties conceded at the hearing on plaintiff's Motion to Quash before the assigned magistrate judge that there was no diversity of citizenship.

Accordingly, the parties are hereby ORDERED, within seven (7) days of entry of this order, to show cause why this court should not decline to exercise its discretion and retain supplemental jurisdiction over the remaining state law claims, but rather remand the case to state court.

IT IS SO ORDERED.

DATE: December 16, 2014.

UNITED STATES DISTRICT JUDGE