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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DARWIN CROSBY, on behalf of  
himself and all others  
similarly situated,  
  
Plaintiff,  
  
v.  
  
SAVE MART SUPERMARKETS, a  
California corporation and  
all other similarly situated,  
  
Defendant.

No. 2:15-CV-0321-GEB-KJN

**ORDER REMANDING CASE TO THE  
SUPERIOR COURT OF CALIFORNIA FOR  
THE COUNTY OF PLACER\***

Plaintiff seeks remand of this case to the state court from which it was removed. The basis of removal was federal question subject matter jurisdiction; however, the parties caused a stipulation to be filed today that eliminates that basis for subject matter jurisdiction.

Defendant opposes remand arguing "the existence of [asserted] related cases pending in this Court . . . heavily weighs against remand on the ground of judicial economy, fairness, and convenience." (Opp'n 8:24-27, ECF No. 10.)

Under 28 U.S.C. section 1367(c)(3), a district court

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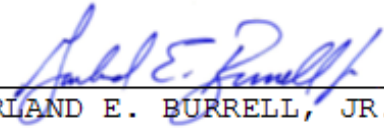
\* The hearing on March 30, 2015 is vacated since this matter is suitable for decision without oral argument under E.D. Cal. R. 230(g).

1 "may decline to exercise supplemental jurisdiction over [state]  
2 claim[s]" if "all claims over which [the district court] has  
3 original jurisdiction" have been dismissed. "While discretion to  
4 decline supplemental jurisdiction . . . is triggered by the  
5 presence of one of the conditions in section 1367(c)(3), it is  
6 informed by the Gibbs values of economy, convenience, fairness,  
7 and comity." Acri v. Varian Assocs., Inc., 114 F.3d 999, 1001  
8 (9th Cir. 1997) (referencing United Mine Workers v. Gibbs, 383  
9 U.S. 715 (1966)). "In a case in which all federal law claims are  
10 eliminated before trial, the balance of these factors will  
11 generally point toward declining to exercise jurisdiction over  
12 the remaining state law claims." Nishimoto v. Federman-Bachrach &  
13 Assoc., 903 F.2d 709, 715 (9th Cir. 1990).

14 "Needless decisions of state law should be avoided [in  
15 federal court] both as a matter of comity and to promote justice  
16 between the parties, by procuring for them a surer-footed reading  
17 of the applicable law." Gibbs, 383 U.S. at 726. Therefore, the  
18 Gibbs values favor declining to exercise supplemental  
19 jurisdiction over the remaining state claims.

20 Plaintiff's remand motion is GRANTED, and this case is  
21 remanded to the SUPERIOR COURT OF CALIFORNIA FOR THE COUNTY OF  
22 PLACER from which it was removed. The Clerk of Court shall close  
23 this action.

24 Dated: March 17, 2015

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28 GARIAND E. BURRELL, JR.  
Senior United States District Judge