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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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ANGELA RAMOS, an individual,

Plaintiff,

v.

LOS RIOS COMMUNITY COLLEGE
DISTRICT, a public entity;
THOMAS KLOSTER dba METRO-MATH
TUTORING SERVICES, a company;
THOMAS KLOSTER, an individual;
DOES 1-50, inclusive,

Defendants.

No. 2:17-cv-01458 WBS KJN

MEMORANDUM AND ORDER RE:
MOTION TO REMAND

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Plaintiff sued Los Rios Community College ("Los Rios"),
Thomas Kloster, and Thomas Kloster dba Metro-Math Tutoring
Services ("Metro-Math") in Sacramento County Superior Court on
June 13, 2017. She alleged a violation of Title IX alongside
multiple state law claims. One month later, defendant Los Rios
removed the case to this court, which had original jurisdiction
because of the Title IX claim. See 28 U.S.C. § 1367(a).

Following the dismissal of several of plaintiff's state

1 law claims, plaintiff reached a settlement agreement with Los
2 Rios. Plaintiff and Los Rios subsequently filed a stipulation to
3 dismiss Los Rios and Kloster individually (with prejudice).
4 (Docket No. 45.)

5 Now, three state-law claims against defendant Metro-
6 Math remain.¹ Presently before the court is plaintiff's motion
7 to remand these claims to state court. (Docket No. 46.) Metro-
8 Math, which has not appeared in this court, has filed no
9 opposition.

10 It is within the court's discretion to continue to
11 exercise supplemental jurisdiction over plaintiff's state law
12 claims. See Harrell v. 20th Century Ins. Co., 934 F.2d 203, 205
13 (9th Cir. 1991) ("It is well settled that a federal court does
14 have the power to hear claims that would not be independently
15 removable even after the basis for removal jurisdiction is
16 dropped from the proceedings") (quotations and citation omitted).
17 In evaluating whether or not to do so, the court must consider
18 the values of "economy, convenience, fairness, and comity."
19 Carnegie-Mellon Univ. v. Cohill, 484 U.S. 343, 351 (1988). The
20 Supreme Court has noted that in "the usual case" in which all
21 federal claims are eliminated before trial and only state law
22 claims remain, these factors will typically "point toward
23 declining to exercise jurisdiction over the remaining state-law
24 claims." Id. at 350 n.7. The court should also decline to

25 ¹ The three state-law claims remaining against defendant
26 Metro-Math are: (1) Violation of California Civil Code § 52.4;
27 (2) Sexual harassment in violation of Government Code §§ 12900 et
28 seq.; and (3) Failure to take steps to prevent and/or correct
harassment, discrimination, or retaliation, in violation of
Government Code §§ 12940 (j) & (k).

1 exercise supplemental jurisdiction over state-law claims that
2 require "multiple decisions on important, unsettled, and policy-
3 laden issues of California law." Holly D. v. Cal. Inst. Of
4 Tech., 339 F. 3d 1158, 1181 n.28 (9th Cir. 2003).

5 This case has been pending before this court for more
6 than a year, and the court has developed some level of
7 familiarity with its facts. However, trial is not scheduled
8 until September 2019. Given these circumstances, the judicial
9 economy consideration may militate slightly in favor of the court
10 continuing to exercise supplemental jurisdiction over the
11 plaintiff's state-law claims. The remaining factors, however, on
12 balance, weigh in favor of remand. Comity weighs in favor of
13 remand because the state court is equally competent to hear the
14 remaining state law claims and may have a better understanding of
15 the relevant state law. Convenience and fairness do not weigh in
16 favor of exercising jurisdiction. The state and federal fora are
17 equally convenient for the parties, and there is no reason to
18 doubt that the state court will provide an equally fair
19 adjudication of the plaintiff's claims.

20 The balance of these factors weighs in favor of remand.
21 Accordingly, the court will decline to exercise supplemental
22 jurisdiction over plaintiff's state-law claims.

23 IT IS THEREFORE ORDERED that this action be, and the
24 same hereby is, REMANDED to Superior Court of the State of
25 California in and for the County of Sacramento. All pending
26 dates before this court are hereby VACATED.

27 Dated: November 6, 2018

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WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE