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United States District Court
For the Northern District of California

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

NORTHERN CALIFORNIA RIVER WATCH,
Plaintiff,
v.
UNION PACIFIC RAILROAD COMPANY, et
al.,
Defendants

No. C-08-1256 MMC

**ORDER DISMISSING CROSS-CLAIM
AND CROSS ACTION WITHOUT
PREJUDICE**

By order filed concurrently herewith, the Court has dismissed with prejudice plaintiff's complaint.

The remaining claims in the above-titled action, West Coast Metals, Inc.'s ("WCM") Cross-Claim for Indemnification and Contribution, and Union Pacific Railroad Company's ("UPRR") Cross Action for Breach of Covenant Not to Sue and Suit for Declaratory Judgment, arise under state law. The Court's jurisdiction over the state law claims is supplemental in nature. See 28 U.S.C. § 1367(a).¹

A district court may decline to exercise supplemental jurisdiction where "the district court has dismissed all claims over which it has original jurisdiction." See 28 U.S.C.

¹Neither WCM nor UPRR allege the Court has original jurisdiction over their respective claims.

1 § 1367(c)(3). Here, having considered the matter, the Court, in its discretion, will decline to
2 exercise supplemental jurisdiction over the remaining claims.

3 Accordingly, WCM's cross-claim and UPRR's cross action are hereby DISMISSED
4 without prejudice to refiling in state court.

5 **IT IS SO ORDERED.**

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7 Dated: December 22, 2009

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MAXINE M. CHESNEY
United States District Judge