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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

DOE 1, DOE 2, and KASADORE
RAMKISSOON, on Behalf of Themselves
and All Other Persons Similarly Situated,

Plaintiffs,

vs.

AOL, LLC,

Defendant.

Case No: C 06-05866 SBA

**ORDER DISMISSING REMAINING
STATE LAW CLAIMS WITHOUT
PREJUDICE**

On January 31, 2011, the Court issued an Order to Show Cause (“OSC”) in which it directed the parties to submit briefs stating their respective positions on whether the Court has original jurisdiction over the remaining state law claims, pursuant to 28 U.S.C. § 1332, or alternatively, whether the Court should exercise supplemental jurisdiction over those claims, pursuant to 28 U.S.C. § 1367. Dkt. 233. Both Plaintiffs and Defendant submitted timely responses to the OSC. In their memorandum, Plaintiffs acknowledge that the Court lacks original jurisdiction over the remaining claims. Pl.’s Mem. at 2-3, Dkt. 238. With regard to the matter of supplemental jurisdiction, Plaintiffs state that they “accept the Court’s suggestion that the remaining California state law claims should be dismissed without prejudice to re-filing in a California court.” *Id.* at 5. Defendant likewise concurs that the relevant factors under § 1367 militate in favor of dismissal of the remaining state

1 law claims. Def.'s Mem. at 6, Dkt. 239. Given the parties' respective positions, and for the
2 reasons expressed in the Court's OSC,

3 IT IS HEREBY ORDERED THAT Plaintiff's remaining state law claims under
4 California's Consumers Legal Remedies Act, False Advertising Law and Unfair
5 Competition Law are DISMISSED without prejudice to re-filing said claims in state court.
6 The Clerk shall close the file and terminate any pending matters.

7 IT IS SO ORDERED.

8 Dated: February 28, 2011


SAUNDRA BROWN ARMSTRONG
United States District Judge

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