

1
2
3
4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA

6 **RYAN KIME,**

7 Plaintiff,

8 v.

9 **ADVENTIST HEALTH CLEARLAKE**
10 **HOSPITAL, INC., ET AL.,**

11 Defendants.

Case No. 16-cv-04502-YGR

**ORDER GRANTING MOTION TO DISMISS
WITH LEAVE TO AMEND; DENYING MOTION
TO STRIKE**

Re: Dkt. Nos. 27, 29


12
13 Defendant filed its Motion to Dismiss on November 7, 2016. (Dkt. No. 27.) The matter
14 came on for hearing on December 13, 2016. Having carefully considered the briefing and
15 arguments submitted in this matter, and for the reasons set forth in full detail on the record on
16 December 13, 2016, Defendant's Motion to Dismiss, with respect to Counts One and Two, is
17 **GRANTED WITH LEAVE TO AMEND.** Plaintiff shall file an amended complaint no later than
18 January 12, 2017.

19 Until the Court decides whether a claim exists which raises a federal question, the question
20 of whether it will exercise supplemental jurisdiction, pursuant to 28 U.S. Code § 1367(c)(3), over
21 the remaining state law claim remains uncertain. Accordingly, the Court **DENIES** the related
22 Motion to Strike as premature. (Dkt. No. 29.)

23 This Order terminates Dkt. Nos. 27 and 29.

24 **IT IS SO ORDERED.**

25 Dated: December 14, 2016

26 
27 **YVONNE GONZALEZ ROGERS**
28 **UNITED STATES DISTRICT COURT JUDGE**