

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

| | | |
|--|---|-----------------------------|
| TERESI INVESTMENTS III, a California Limited Partnership, |) | Case No.: 5:10-CV-04714 EJD |
| |) | |
| Plaintiff, |) | ORDER REMANDING CASE |
| |) | |
| v. |) | |
| |) | |
| CITY OF MOUNTAIN VIEW, a Municipal Corporation, and DOES 1–10, inclusive, |) | |
| |) | |
| Defendants. |) | |

In the above entitled action, this Court has previously granted Defendant’s Motion for Summary Judgment, which effectively disposed of all of the claims in Plaintiff’s Amended Complaint. See Order Granting Def.’s Mot. for Summ. J., Docket Item No. 69. In its Answer to the Amended Complaint, Defendant had filed various state-based counterclaims. See Def.’s Answer and Countercl., Docket Item No. 25. Because the claims supporting federal question jurisdiction were resolved against Plaintiff in the Order Granting Defendant’s Motion for Summary Judgment, the Court declines to exercise supplemental jurisdiction over the remaining state law counterclaims; as such, those counterclaims shall be remanded to the state court from which it originated for further proceedings. See 28 U.S.C. § 1367(c)(3); 28 U.S.C. § 1447(c) Carnegie-Mellon Univ. v. Cohill, 484 U.S. 343, 350 n.7 (1988); Acri v. Varian Assocs., Inc., 114 F.3d 999, 1000 (9th Cir. 1997) (en banc).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS SO ORDERED.

Dated: January 8, 2013



EDWARD J. DAVILA
United States District Judge