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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

JOSHUA CLAYPOLE, et al.,  
Plaintiffs,  
v.  
COUNTY OF SAN MATEO, et al.,  
Defendants.

Case No. 14-cv-02730-BLF

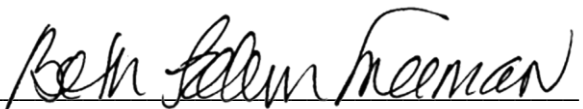
**ORDER DENYING CHOMP'S MOTION  
TO DISMISS**

[Re: ECF 32]

A motion to dismiss for lack of subject matter jurisdiction brought by Community Hospital of Monterey Peninsula (“CHOMP”) was heard on November 19, 2014. The Court has considered the parties’ briefing and the oral argument presented at the hearing. Under the applicable law the parties agree that determination of this matter is within the sound discretion of the Court. Having reviewed the record, the Court finds that the allegations against CHOMP arise out of the same nucleus of facts as the remainder of the action and that there are no applicable exceptions to the exercise of supplemental jurisdiction under 28 U.S.C. § 1367(c). For the reasons stated on the record, the motion is DENIED. CHOMP shall file an answer within fourteen days.

**IT IS SO ORDERED.**

Dated: November 19, 2014

  
BETH LABSON FREEMAN  
United States District Judge