

Order Form (01/2005)

## United States District Court, Northern District of Illinois

<b>Name of Assigned Judge or Magistrate Judge</b>	Philip G. Reinhard	<b>Sitting Judge if Other than Assigned Judge</b>	
<b>CASE NUMBER</b>	09 C 50144	<b>DATE</b>	12/16/2010
<b>CASE TITLE</b>	Batton vs. Ryan Int'l Airline, et al		

**DOCKET ENTRY TEXT:**

Plaintiff's motion to voluntarily dismiss is granted. The federal claims are dismissed with prejudice. The state law claims are dismissed without prejudice. All pending motions are denied as moot.

*Philip G. Reinhard*

Electronic Notices.  
Copy to Magistrate Judge Mahoney.

### STATEMENT - OPINION

Plaintiff, Anthony Batton, moves to voluntarily dismiss his federal claims with prejudice and to dismiss his supplemental state law claims without prejudice. Defendants agree to the dismissal of the federal claim but ask the court to deny the motion to dismiss the state law claims. When all federal claims are disposed of prior to trial, the preferred course for any remaining state law claims is to dismiss them without prejudice so they can be adjudicated in state court. See Payne for Hicks v. Churchich, 161 F.3d 1030, 1043 (7<sup>th</sup> Cir. 1998). Defendants argue that an exception to this general rule exists where it is absolutely clear that the pendant state law claims can only be decided one way and that this is such a case. The decision to retain supplemental claims is discretionary. In reviewing the case as it is now, at the motion to dismiss stage, the court cannot say that all of the state law claims are absolutely destined to fail. Plaintiff's motion to voluntarily dismiss is granted. The federal claims are dismissed with prejudice. The state law claims are dismissed without prejudice. All pending motions are denied as moot.

	Courtroom Deputy Initials:	LC/sec
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