

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION**

CHARLES CHUANG and	)	
KAY KIM,	)	
Plaintiffs,	)	
	)	
v.	)	Cause No.: 2:13-CV-12-PRC
	)	
DONALD ROSENSKI and W. OLIVER,	)	
Defendants.	)	

**OPINION AND ORDER**

This matter is before the Court *sua sponte*. On September 5, this Court held an in-person Rule 16(b) conference. At that conference, Plaintiffs stated on the record that they did not wish to pursue any federal claims of racial discrimination. Plaintiffs’ remaining claims are all matters of state law. This Court’s jurisdiction over those claims is based on 28 U.S.C. § 1367, which provides for the exercise of supplemental jurisdiction over claims based on state law that are closely related to the federal claims in a case. When a district court has only supplemental jurisdiction over remaining state claims, it may decline to exercise its jurisdiction if it has “dismissed all claims over which it has original jurisdiction.” 28 U.S.C. § 1367(c)(3); *see Whitely v. Moravec*, 635 F.3d 308, 311 (7th Cir. 2011) (recognizing that § 1367(c)(3) gives the court discretion to relinquish supplemental jurisdiction and remand once the federal claim has been resolved).

“[T]he presumption is that the court will relinquish federal jurisdiction over any supplemental state-law claims” when the federal claims are dismissed before trial. *Al’s Serv. Ctr. v. BP Prods. N. Am., Inc.*, 599 F.3d 720, 727 (7th Cir. 2010) (citing 28 U.S.C. § 1367(c)(3)). There are three exceptions: “when the [refiling] of the state claims is barred by the statute of limitations; where substantial judicial resources have already been expended on the state claims; and when it is

clearly apparent how the state claim is to be decided.” *Williams v. Rodriguez*, 509 F.3d 392, 404 (7th Cir. 2007); *see also Dargis v. Sheahan*, 526 F.3d 981, 990 (7th Cir. 2008). None apply here. Accordingly, the Court hereby declines to exercise supplemental jurisdiction over the remaining state law claims and hereby **REMANDS** this case to the Marion County, Indiana Superior Court for consideration.

SO ORDERED this 5th day of September, 2013.

s/ Paul R. Cherry  
MAGISTRATE JUDGE PAUL R. CHERRY  
UNITED STATES DISTRICT COURT

cc: All counsel of record  
Plaintiffs *pro se*