

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
SOUTHERN DIVISION at LONDON

CIVIL ACTION NO. 06-310

JAMES TERRELL, KIM TERRELL,
RAY FARRIS and NAOMI FARRIS,

PLAINTIFFS,

v.

OPINION AND ORDER

TECSEC, INC. and
ROBERT L. HALCOMBE,

DEFENDANTS.

**** * * * * *

This matter is before the Court on the unopposed Motion to Dismiss (DE 87) filed by Defendant Tecsec, Inc. in which it asks the Court to dismiss the cross-claims between it and Co-Defendant Robert L. Halcombe.

In its motion, Tecsec explains that the underlying claims that gave rise to the diversity jurisdiction in this case have been settled and dismissed by the Court. Tecsec explains that the sole remaining claims in this action are the state law cross-claims between the two Co-Defendants both of whom are Virginia residents.

A district court may decline to exercise supplemental jurisdiction over state law claims if it has dismissed all claims over which it had original jurisdiction. 28 U.S.C. § 1367(c)(3).

“When all federal claims are dismissed before trial, the balance of considerations usually will point to dismissing the state law claims, or remanding them to state court if the action was removed.” *Novak v. MetroHealth Medical Center*, 503 F.3d 572, 588 (6th Cir. 2007)(quoting *Musson Theatrical v. Federal Express Corp.*, 89 F.3d 1244, 1254-55 (6th Cir.1996)).

The Court finds no reason that it should adjudicate the remaining state law claims. Further, while this action was removed from Kentucky state court, the remaining state law claims are

between two Virginia residents. Accordingly, the Court will dismiss those claims without prejudice instead of remanding the matter to Knott Circuit Court.

For all these reasons, the Court hereby ORDERS as follows:

- 1) the Motion to Dismiss (DE 87) filed by Tecsec, Inc. is GRANTED;
- 2) the cross-claims by and between TecSec, Inc. and Robert Halcombe are hereby DISMISSED without prejudice; and
- 3) this matter is STRICKEN from the active docket of this Court.

Dated this 19th day of November, 2009.



Signed By:

Karen K. Caldwell *KKC*

United States District Judge