

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**IN RE: SMITTY'S SUPPLY, INC.,
ET AL.**

CIVIL ACTION

NO: 12-961

SECTION: "S" (2)

ORDER AND REASONS

IT IS HEREBY ORDERED that the Motion to Remand filed by plaintiffs, David A. Smith, George D. Smith, Mitchell S. Smith, Big 4 Trucking, Inc., Big 4 Classic Cars, LLC, Big 4 Investments, LLC and Smitty's Supply, Inc. (Doc. #7), is **GRANTED**, and this matter is hereby remanded to the Twenty-First Judicial District Court, Parish of Tangipahoa, State of Louisiana.

Plaintiffs filed this action that arises out of a dispute involving a family-run business in the Twenty-First Judicial District Court, Parish of Tangipahoa, State of Louisiana alleging that they are entitled to health insurance benefits under Smitty's Supply, Inc.'s benefits plan, and various other state-law causes of action. Defendant, Edgar Ray Smith, III removed the action to the United States District Court for the Eastern District of Louisiana alleging federal question subject matter jurisdiction under 28 U.S.C. § 1331, because the health insurance plan is allegedly governed by the Employee Retirement Income Security Act, 29 U.S.C. § 1001, *et seq.* Plaintiffs filed a motion to remand in which they withdrew their claims regarding the health insurance benefits, leaving only state-law causes of action.

Because plaintiffs' federal claims have been dismissed, the court declines to exercise supplemental jurisdiction over their state law claims. See 28 U.S.C. § 1367(c)(3) ("The district courts may decline to exercise supplemental jurisdiction over a claim ... if ... the district court has dismissed all claims over which it has original jurisdiction."); see also Bass v. Parkwood Hospital, 180 F.3d 234, 246 (5th Cir.1999) ("When a court dismisses all federal claims before trial, the general rule is to dismiss any pendent claims."). Therefore, this action is **REMANDED** to the Twenty-First Judicial District Court, Parish of Tangipahoa, State of Louisiana.

New Orleans, Louisiana, this 17th day of April, 2012.


MARY ANN VIAL LEMMON
UNITED STATES DISTRICT JUDGE