

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TANYA HILL,

Plaintiff,

v.

CASE NO. 06-11818
HON. LAWRENCE P. ZATKOFF

LINCOLN CONSOLIDATED SCHOOL
DISTRICT and LYNN CLEARY,

Defendants.

ORDER REMANDING PLAINTIFF'S STATE LAW CLAIMS

Plaintiff filed her Complaint on March 24, 2006, in Washtenaw County Circuit Court. Defendants removed the case to this Court on April 17, 2006. Plaintiff's Complaint contains the following four counts:

- Count I Violation of 42 U.S.C. § 1983;
- Count II Slander Per Se;
- Count III Libel Per Se; and
- Count IV Intentional Infliction of Emotional Distress.

See Complaint.

The Court has subject matter jurisdiction over Count I, because it arises under federal law. *See* 28 U.S.C. § 1331. Counts II, III, and IV, however, are based upon state law. Although the Court has supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction if there are "compelling reasons for declining jurisdiction." *See* 28 U.S.C. § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff's state law claims in this matter. The Court finds that the contemporaneous

presentation of Plaintiff's parallel state claim for relief will result in the undue confusion of the jury. See 28 U.S.C. § 1367(c)(4); see also *Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiff's state law claims of Slander Per Se (Count II), Libel Per Se (Count III), and Intentional Infliction of Emotional Distress(Count IV) are hereby REMANDED to Washtenaw County Circuit Court. The Court retains jurisdiction over Plaintiff's federal claim (Count I).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: April 28, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on April 28, 2006.

s/Marie E. Verlinde
Case Manager
(810) 984-3290