

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Charlotte Sims,

Plaintiff,

v.

Case No. 10-12230

Chase Home Finance, LLC,

Honorable Sean F. Cox

Defendants.

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**ORDER REMANDING STATE LAW CLAIM**

Plaintiff filed this action in Oakland County Circuit Court alleging the following two claims: “Count I – R.E.S.P.A. 12 U.S.C. § 2601 *et seq.*,” and “Count II – Violation of M.C.L. § 600.3205a.” Defendant removed the action to this Court, asserting federal question jurisdiction.

Although this Court has federal question jurisdiction over Count I, the remaining count is based on state law.

The applicable statute regarding supplemental jurisdiction, 28 U.S.C. § 1367, provides, in pertinent part, that district courts may decline to exercise supplemental jurisdiction over a claim when:

- 1) the claim raises a novel or complex issue of State law;
- 2) the claim substantially predominates over the claim or claims over which the district court has original jurisdiction;
- 3) the district court has dismissed all claims over which it has original jurisdiction, or
- 4) in exceptional circumstances, there are other compelling reasons for declining jurisdiction.

28 U.S.C. § 1367(c).

Having reviewed the state law claims in Plaintiff's complaint, this Court concludes that Plaintiff's state-law claim predominates. 28 U.S.C. § 1367(c)(2). In addition, the Court finds that the potential for jury confusion in this case would be great if Plaintiff's federal claim were presented to a jury along with Plaintiff's state-law claim. Thus, the potential for jury confusion is yet another reasons for this Court to decline to exercise supplemental jurisdiction over Plaintiff's state-law claims. *United Mine Workers v. Gibbs*, 383 U.S. 715 (1966); *Padilla v. City of Saginaw*, 867 F.Supp. 1309 (E.D. Mich. 1994); 28 U.S.C. § 1367(c)(4).

Accordingly, **IT IS ORDERED** that Count II of Plaintiff's Complaint is hereby **REMANDED** to Oakland County Circuit Court.

**IT IS SO ORDERED.**

S/Sean F. Cox  
Sean F. Cox  
United States District Judge

Dated: September 8, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 8, 2010, by electronic and/or ordinary mail.

S/Jennifer Hernandez  
Case Manager