

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

DONNA J. HUBERT,

Plaintiff,

v.

Case No. 10-13831

Hon. Lawrence P. Zatkoff

PNC BANK, NATIONAL
ASSOCIATION,

Defendant.

_____ /

ORDER REMANDING PLAINTIFF'S STATE LAW CLAIMS

Defendant filed its notice of removal to this Court on September 24, 2010, alleging federal subject-matter jurisdiction on the basis of a federal question. Plaintiff's complaint, filed in the Oakland County Circuit Court, alleges the following counts:

- Count I Injunctive Relief (based on state law)
- Count II Violation of Mich. Comp. Laws § 600.3205c
- Count III Violations of RESPA (12 U.S.C. §§ 2601-2617)
- Count IV Violation of Home Affordable Modification Program
- Count V Intentional Misrepresentation
- Count VI Promissory Estoppel
- Count VII Unfair Competition

A civil action brought in a state court, of which the federal district courts have original subject-matter jurisdiction, may be removed by the defendant or defendants to a federal district court. 28 U.S.C. § 1441(a). Federal district courts have original subject-matter jurisdiction over cases arising under federal law. 28 U.S.C. § 1331. The Court has subject-matter jurisdiction over

Counts III and IV because they arise under federal law. 28 U.S.C. § 1331. Counts I, II, V, VI, and VII, however, are based on 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.” *Id.* § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff’s state-law claims in this matter. The Court finds that Plaintiff’s state-law claims raise novel and complex issues of state law that would be more appropriately adjudicated by the state court. *See id.* § 1367(c)(1).

Accordingly, IT IS ORDERED that Plaintiff’s state-law claims (Counts I, II, V, VI, and VII) are hereby REMANDED to the Oakland County Circuit Court. The Court retains jurisdiction over Plaintiff’s federal claims (Counts III and IV).

IT IS SO ORDERED.

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

Dated: October 6, 2010

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 October 6, 2010.

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