

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TRUSTEES OF THE DETROIT  
CARPENTERS FRINGE BENEFIT FUNDS,

Plaintiffs,

Case No. 09-10636

v.

DETROIT DOOR & HARDWARE CO.  
a Michigan corporation, and  
MICHAEL J. WILT, an individual,

Hon. John Corbett O'Meara

Defendants.

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**ORDER OF PARTIAL DISMISSAL**

On February 20, 2009, Plaintiffs filed their complaint, which alleges violations of the Employee Retirement Income Security Act of 1974 ("ERISA") and the Michigan Builders Trust Fund Act, M.C.L. § 570.151 *et seq.* Although Plaintiffs' ERISA claim is cognizable in this court pursuant to 28 U.S.C. § 1331, Plaintiffs' Michigan Builders Trust Fund Act claim arises under state law. Pursuant to 28 U.S.C. § 1367(c), a district court may decline to exercise supplemental jurisdiction over state law claims raised in federal question cases. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994). This court declines to exercise supplemental jurisdiction over Plaintiffs' state law claim to avoid jury confusion.

Accordingly, **IT IS HEREBY ORDERED** that Plaintiffs' Michigan Builders Trust Fund Act claim is **DISMISSED**.

s/John Corbett O'Meara  
United States District Judge

Date: February 27, 2009

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, February 27, 2009, by electronic and/or ordinary mail.

s/William Barkholz  
Case Manager