

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES NEWBY, *et al.*,

Plaintiffs,

Case No. 09-10774

v.

WOODCREST CONDOMINIUM
ASSOCIATION, a Michigan nonprofit
corporation,

Hon. John Corbett O'Meara

Defendants.

ORDER OF PARTIAL DISMISSAL

On March 2, 2009, Plaintiffs filed a complaint alleging violations of the Fair Housing Act (Count I); the Michigan Elliott-Larsen Civil Rights Act (Count II); and the Michigan Persons with Disabilities Civil Rights Act (Count III). Plaintiffs do not allege that diversity jurisdiction exists. Although Plaintiffs' federal cause of action is cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based on state law. This court declines to exercise supplemental jurisdiction over Plaintiffs' state law claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, IT IS HEREBY ORDERED that Counts II and III of Plaintiffs' complaint are DISMISSED.

s/John Corbett O'Meara
United States District Judge

Date: March 5, 2009

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, March 5, 2009, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager