

UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHAWN BENFORD, et al.,

Plaintiffs,

v.

DETROIT AREA AGENCY ON AGING,
Defendant.

Case No. 10-14507

Honorable John Corbett O'Meara

ORDER OF PARTIAL REMAND

Plaintiffs filed this action against the Detroit Area Agency on Aging, their former employer, alleging the following causes of action: Count I, violation of the FMLA, 29 U.S.C. § 2601 *et seq.*; Count II, disability discrimination under Michigan's Persons with Disabilities Civil Rights Act, Mich. Comp. Laws Ann. § 37.1101 *et seq.*; and Count III, violation of Michigan's Elliot-Larsen Civil Rights Act, Mich. Comp Laws Ann. 37.2101 *et seq.* Defendants filed timely notice of removal.

Count I gives rise to federal question jurisdiction under 28 U.S.C. § 1331. The remainder of Plaintiffs' Complaint alleges causes of action based solely on state law. In order to avoid jury confusion, the court will decline to exercise supplemental jurisdiction over the state law claims. *See* 28 U.S.C. § 1367(c); *United Mine Workers v. Gibbs*, 383 U.S. 715 (1966); and *Padilla v. City of Saginaw*, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, it is hereby **ORDERED** that Counts II and III are **REMANDED** to the Circuit Court for the County of Wayne.

Date: February 8, 2011

s/John Corbett O'Meara
United States District Judge

I hereby certify that on February 8, 2011, a copy of this order was served upon counsel of record using the ECF system.

s/William Barkholz
Case Manager