

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NEOMA PLANT,

Plaintiff,

Case No. 16-14329

v.

Honorable John Corbett O'Meara

ALTA EQUIPMENT COMPANY, INC.,

Defendant.

ORDER OF PARTIAL DISMISSAL

Plaintiff Neoma Plant filed a six-count amended complaint in this court alleging violations of the following statutes: Count I, the Family Medical Leave Act ("FMLA"); Count II, the Americans with Disabilities Act ("ADA"); Count III, Michigan's Persons with Disabilities Civil Rights Act ("PWDCRA"); Count IV, Title VII of the Civil Rights Act; Count V, 42 U.S.C. § 1981; and Count VI, Michigan's Elliott-Larsen Civil Rights Act ("ELCRA").

Although the four counts arising under federal law are cognizable in this court pursuant to 28 U.S.C. § 1331, the allegations presented in Counts III and VI are based solely on state law. The parties to this action are not diverse. Therefore, this court declines to exercise supplemental jurisdiction over Plaintiff's state law claims to avoid

jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 282 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

ORDER

It is hereby **ORDERED** that Counts III and VI are **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Date: January 26, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, January 26, 2017, using the ECF system.

s/William Barkholz
Case Manager