

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MALCOLMB BALL,

Plaintiff,

v.

7:08-cv-0944

MTV NETWORKS ON CAMPUS, INC., et al.,

Defendants.

THOMAS J. McAVOY
Senior United States District Judge

DECISION and ORDER

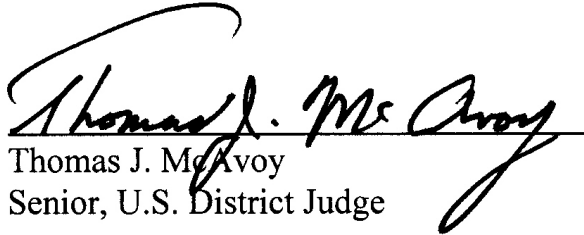
Defendants/Third-Party Plaintiffs MTV and Live Nation move for reconsideration of that portion of the Court’s prior Decision and Order that dismissed their third-party claim as moot. Assuming, arguendo, the third-party claims are not moot, the motion is, nevertheless, denied because the Court has dismissed all claims over which it had original jurisdiction, there is no independent basis for subject matter jurisdiction over the third-party claims,¹ and the Court declines to exercise supplemental jurisdiction. See 28 U.S.C. § 1367(c); Machat v. Sklar, 1997 WL 599384 (S.D.N.Y. 1997) (declining to exercise supplemental jurisdiction over third-party indemnification claims after the primary action had been dismissed).

Accordingly, the motion for reconsideration (Dkt. No. 125) and the cross-motion for reconsideration (Dkt. No. 135) are DENIED.

¹ The Third-Party Complaint alleges that Third-Party Plaintiffs maintain a principal place of business within the State of New York and that Third-Party Defendant Student Government Association of Potsdam maintains a principal place of business in the State of New York. As such, there is not complete diversity of citizenship.

IT IS SO ORDERED.

Dated: June 30, 2011


Thomas J. McAvoy
Senior, U.S. District Judge