

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

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|--|---|---------------------------|
| Atlantic Pinstriping, LLC, and |) | Case No.: 3:16-CV-547-GCM |
| Michael Montemurro, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | |
| |) | |
| Atlantic Pinstriping Triad, LLC, |) | ORDER |
| Atlantic Dealer Services Coastal, LLC, |) | |
| Tony Horne, |) | |
| William E. Horne, and |) | |
| Jerry W. Parker, |) | |
| |) | |
| Defendants. |) | |
| |) | |

This matter is before the Court upon Defendant’s Motion to Dismiss Plaintiffs’ Motion for an Order to Show Cause for lack of subject matter jurisdiction. This motion has been fully briefed. Despite the fact that the arbitrator dismissed Plaintiffs’ federal claims, this Court clearly has the discretion to exercise supplemental jurisdiction over this matter. *Shanaghan v. Cahill*, 58 F.3d 106, 110 (4th Cir. 1995). Moreover, despite Defendants’ argument to the contrary, the arbitrator’s decision did not entirely moot the relief requested by Plaintiffs. Accordingly, Defendants’ Motion to Dismiss is denied, and the Court will reschedule a hearing on Plaintiffs’ Motion for Contempt.

IT IS SO ORDERED.

Signed: April 9, 2018



Graham C. Mullen
United States District Judge

