


**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

NANCY E. RESCIGNO	:	Case No. 2:09-cv-0156
Plaintiff,	:	Judge Sargus
v.	:	Magistrate Judge Kemp
BETHEL ROAD OPEN MRI, INC., et al.,	:	
Defendants.	:	

**ORDER OF REMAND TO STATE COURT**

It is hereby ordered, adjudged, and decreed for the reasons set forth in Defendants' Motion to Dismiss Plaintiff's Complaint for Lack of Subject Matter Jurisdiction, for reasons set forth in Plaintiff's Memorandum in Response, and for good cause shown, the Court hereby orders that Plaintiff's FMLA claim (Count I of Plaintiff's Complaint) be DISMISSED WITH PREJUDICE. Because the Court disposes of Plaintiff's sole federal claim by this Order, the Court declines to exercise supplemental jurisdiction over her state law claims pursuant to 28 U.S.C. § 1367(c)(3). With agreement of the parties, the Court exercises its discretion to REMAND this case to the Court of Common Pleas Franklin County, Ohio for disposition of all other claims.

**IT IS SO ORDERED.**

 7-27-2009  
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EDMUND A. SARGUS, JR.  
UNITED STATES DISTRICT JUDGE