

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

FIRST SOUND BANK, a Washington corporation,

Plaintiff,

v.

LARASCO, INC., a Washington corporation,  
LOUIS A. SECORD, JR., an individual; and  
RICHARD A. SECORD, an individual,

Defendants.

C09-56Z

ORDER

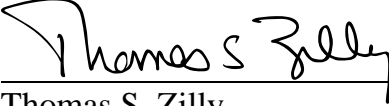
THIS MATTER comes before the Court on the Roberts/Severson Entities’s Motion to Dismiss for Lack of Subject Matter Jurisdiction, docket no. 237. Having considered all papers filed in support of and in opposition to the motion, the Court enters the following Order.

The Roberts/Severson Entities’ motion to dismiss the claims against them for lack of subject matter jurisdiction is DENIED. Plaintiff First Sound Bank’s Third Amended Complaint sufficiently alleges supplemental jurisdiction. *See* 28 U.S.C. § 1367; *City of Chicago v. Int’l Coll. of Surgeons*, 522 U.S. 156, 165 (1997). The claims against the Roberts/Severson Entities are so related to the federal question as to fall within a common nucleus of operative fact. *See Trustees of the Constr. Indus. and Laborers Health and Welfare Trust v. Desert Valley Landscape & Maint., Inc. (Desert Valley)*, 333 F.3d 923, 925

1 (9th Cir. 2003); *see also* *Peacock v. Thomas*, 516 U.S. 349, 356 (1996); *Dewey v. West*  
2 *Farimont Gas Coal Co.*, 123 U.S. 329, 332-33 (1887). The Roberts/Severson Entities have  
3 not shown that such exceptional circumstances exist that principles of economy,  
4 convenience, fairness and comity would be better served by pursuing the claims against them  
5 in state court. *See Desert Valley*, 333 F.3d at 925.

6 IT IS SO ORDERED.

7 DATED this 29th day of October, 2009.

8  
9   
10 Thomas S. Zilly  
11 United States District Judge  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26