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THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VLADIK BYKOV,

Plaintiff,

v.

MICHELINE MURPHY and her marital
community, and MARCUS NAYLOR and
his marital community,

Defendants.

CASE NO. C15-0713-JCC

ORDER

This matter comes before the Court on Defendants Murphy and Naylor's motion for summary judgment or dismissal under Federal Rule of Civil Procedure 12(c) (Dkt. No. 80). Having thoroughly considered the parties' briefing and the relevant record, the Court finds oral argument unnecessary and hereby DISMISSES remaining state law claims without prejudice.

Plaintiff Vladik Bykov brought suit in this Court against Defendants Rosen, Rogers, Murphy, and Naylor, asserting claims under 42 U.S.C. section 1983, the U.S. Constitution, and state tort law.¹ (Dkt. Nos. 8, 59.) The Court dismissed all federal claims without leave to amend. (Dkt. No. 56.) The only remaining claims are state law tort claims against Defendants Murphy and Naylor—causes of action ten, twelve, and thirteen in the Second Amended Complaint. (*See*

¹ The Court has thoroughly discussed the facts and procedural history of this case and will not repeat this information here. (*See* Dkt. Nos. 56, 75, 79.)

1 Dkt. Nos. 56, 59, 75, 79.) Defendants now move for summary judgment or dismissal of these
2 claims. (Dkt. No. 80.)

3 Because the remaining claims are based on state law, and Plaintiff's response to
4 Defendants' present motion raises novel issues of state law, the Court exercises its discretion to
5 dismiss these claims as outside the scope of supplemental jurisdiction. 28 U.S.C. §
6 1367(c)(1),(3). "In the usual case in which all federal-law claims are eliminated before trial, the
7 balance of factors to be considered under the pendent jurisdiction doctrine—judicial economy,
8 convenience, fairness, and comity—will point toward declining to exercise jurisdiction over the
9 remaining state-law claims." *Satey v. JPMorgan Chase & Co.*, 521 F.3d 1087, 1091 (9th Cir.
10 2008). Those factors point toward declining supplemental jurisdiction here.

11 Defendants' motion (Dkt. No. 80) is GRANTED in part. Plaintiff's remaining claims
12 against Defendants Murphy and Naylor are DISMISSED without prejudice and without leave to
13 amend.

14 DATED this 23rd day of January 2018.

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18 John C. Coughenour
19 UNITED STATES DISTRICT JUDGE
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