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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PHILLIP L. McDANIEL,  
  
Plaintiff,  
  
v.  
  
LEWIS COUNTY FIRE PROTECTION  
DISTRICT NO. 8, *et al.*,  
  
Defendants.

Case No. C10-5120RBL  
  
ORDER DISMISSING TWO CLAIMS  
AND REMANDING CASE

This matter comes before the Court on defendants’ motion for summary judgment. In response to that motion, plaintiff, a former public employee, noted that he does not oppose the dismissal of his public policy and federal civil rights claims. Plaintiff’s Response at p. 31 n.18. Therefore, the Court GRANTS IN PART the motion for summary judgment (Dkt. #35) and dismisses plaintiff’s claims for wrongful discharge in violation of public policy and for violation of his federal civil rights.

Now that the federal questions have been eliminated from this case and because the parties are not diverse, the Court must determine whether to exercise supplemental jurisdiction over plaintiff’s remaining state law claims. Both parties request that the Court exercise supplemental jurisdiction.

1 “A federal district court with power to hear state law claims has discretion to keep, or  
2 decline to keep, them under the conditions set out in § 1367(c).” Acri v. Varian Assocs., 114  
3 F.3d 999, 1000 (9th Cir. 2000) (en banc). If the federal claims are dismissed before trial, the  
4 state law claims “should” be dismissed. United Mine Workers v. Gibbs, 383 U.S. 715, 726  
5 (1966). The Supreme Court has stated that “in the usual case in which all federal-law claims  
6 are eliminated before trial, the balance of factors . . . will point toward declining to exercise  
7 jurisdiction over the remaining state-law claims.” Carnegie-Mellon Univ. v. Cohill, 484 U.S.  
8 343, 350 n.7 (1988). Courts also consider the values “of economy, convenience, fairness, and  
9 comity.” Acri, 114 F.3d at 1001.

10 The statute provides:

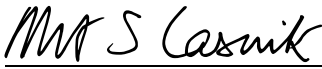
- 11 (c) The district courts may decline to exercise supplemental jurisdiction over a claim  
12 under subsection (a) if--  
13 (1) the claim raises a novel or complex issue of State law,  
14 (2) the claim substantially predominates over the claim or claims over which the district  
15 court has original jurisdiction,  
16 (3) the district court has dismissed all claims over which it has original jurisdiction, or  
17 (4) in exceptional circumstances, there are other compelling reasons for declining  
18 jurisdiction.

19 28 U.S.C. § 1367(c). In this case, the Court has dismissed all claims over which it had original  
20 jurisdiction. Plaintiff’s remaining claims for defamation and breach of contract involve purely  
21 state law issues. The case also involves interpretation of the Open Public Meetings Act, a state  
22 law about which the state court may have more expertise. The parties urge the Court to retain  
23 jurisdiction, but they have not identified a compelling reason for doing so. Although plaintiff  
24 notes that the trial date is quickly approaching, the state court can alter the trial date *sua sponte*  
25 or at the parties’ request. Furthermore, despite the advanced stage of the litigation, this Court  
26 has not issued any substantive rulings in this case, so it has not acquired any particular expertise  
27 in the matter.

28 Accordingly, the Court declines to exercise supplemental jurisdiction over plaintiff’s  
remaining state law claims and remands this case to Lewis County Superior Court. The Court

1 directs the Clerk of the Court to remand this matter to Lewis County Superior Court.

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3 DATED this 28th day of April, 2011.

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6 Robert S. Lasnik  
United States District Judge