UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

THOMAS SHEARER, Plaintiff, v. TACOMA SCHOOL DISTRICT NO. 10, Defendant.	CASE NO. C12-5532 RJB ORDER REMANDING STATE LAW CLAIMS

This matter comes before the court on the court's order to show cause. Dkt. 25. The court has considered the relevant record and the remainder of the file herein.

On April 29, 2013, the court dismissed the federal claims in this matter, and ordered the parties to show cause why the court should not decline to exercise supplemental jurisdiction over the state law claims and dismiss those claims without prejudice. Dkt. 25.

Under 28 U.S.C. § 1367, a federal court may assume supplemental jurisdiction over all other claims that are so related to claims in the action within the original jurisdiction so that they form part of the same case or controversy. The Court may decline to exercise this supplemental jurisdiction if (1) the claim raises a novel or complex issue of state law, (2) the claim

substantially predominates over the claim or claims over which the district court has original jurisdiction, (3) the district court has dismissed all claims over which it has original jurisdiction, or (4) in exceptional circumstances, there are other compelling reasons for declining jurisdiction. 28 U.S.C. § 1367(c).

In this case, the claims over which the court has original jurisdiction, pursuant to 28 U.S.C. § 1983, have been dismissed. The state law claims, notably those with regard to breach of contract, estoppel, and interpretation of the provisions of RCW 28A, involve complex issues of state law, particularly in light of the facts in the record. Further, the claims under state law appear to predominate over the federal constitutional claims over which the court had original jurisdiction. The court should decline to exercise supplemental jurisdiction over the state law claims and should remand the case to state court.

Accordingly, it is hereby **ORDERED** that the court declines to exercise supplemental jurisdiction over the state law claims in this case, and those claims are **REMANDED** to the Superior Court of the State of Washington for Pierce County. This case is closed.

The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any party appearing *pro se* at said party's last known address.

Dated this 8th day of May, 2013.

ROBERT J. BRYAN
United States District Judge