

HONORABLE RONALD B. LEIGHTON

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MEL and ALICE GREEK, husband and wife

Plaintiff,

v.

PIERCE COUNTY, KARIE HAMILTON,  
CHRISTIAN FYNBOE, JOSEPH KOLP, and  
NATHALY KOLP, and their respective marital  
communities,

and

REAL PROPERTY DESCRIBED AS THAT  
PORTION OF CERTAIN "WALK", 10 FEET  
IN WIDTH, LYING BETWEEN A PART OF  
BLOCK "A" ON THE WEST AND A PART OF  
BLOCKS 1 AND 2 ON THE EAST IN  
SECOND WILDARE ADDITION, PIERCE  
COUNTY, WASHINGTON, AS THE SAME IS  
RECORDED ON PAGE 44 OF VOLUME 11  
OF PLATS ON FILE IN THE OFFICE OF THE  
PIERCE COUNTY AUDITOR, ETC.,

Defendant.

CASE NO. C13-5558 RBL

ORDER

(Dkt. #15)

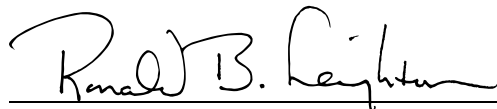
THIS MATTER is before the Court on the individual Defendants' Motion to Dismiss  
under to Fed. R. Civ. P. 12(b)(6). (Dkt. #15). Defendants Hamilton, Fynboe, and Kolp seek to

1 dismiss the present action, arguing that the statute of limitations on the quiet title and ejectment  
2 claims against them has long since expired. Alternatively, they ask the Court decline to exercise  
3 supplemental jurisdiction over the state law claims against them if it grants Defendant Pierce  
4 County's motion to dismiss the only federal claim in the case. Under 28 U.S.C. § 1367, the  
5 Court may decline to exercise supplemental jurisdiction if it "has dismissed all claims over  
6 which it has original jurisdiction." 28 U.S.C. § 1367(c)(3).

7 In a separate Order, the County's motion to dismiss is **GRANTED**. There are no longer  
8 any claims over which the Court has original jurisdiction, and the remaining state law claims can  
9 and should be resolved at the state court level. The Court therefore **DECLINES** to exercise  
10 supplemental jurisdiction over the remaining state law claims. The Court does not reach the  
11 statute of limitations issues. The individual Defendants' Motion to Dismiss is **GRANTED**, and  
12 the case is **DISMISSED** without prejudice, with leave to file in state court.

13 IT IS SO ORDERED.

14 Dated this 16<sup>th</sup> day of September, 2013.

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17 **RONALD B. LEIGHTON**  
18 **UNITED STATES DISTRICT JUDGE**  
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