

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 10-6490 PA (SSx)	Date	April 22, 2011
-----------------	---------------------	-------------	----------------

Title	Andres Morales, et al. v. Terra Universal, Inc., et al.
--------------	---

Present: The Honorable	PERCY ANDERSON, UNITED STATES DISTRICT JUDGE
-------------------------------	--

Paul Songco	Not Reported	N/A
-------------	--------------	-----

Deputy Clerk	Court Reporter	Tape No.
--------------	----------------	----------

Attorneys Present for Plaintiffs:

None

Attorneys Present for Defendants:

None

Proceedings: IN CHAMBERS - COURT ORDER

Before the Court is a Motion for Fair Labor Standards Act Collective Action Certification filed by plaintiffs Andres Morales, Juan Miguel Real, Hugo Alcantar Fernandez, and Osfel Andrade (collectively "Plaintiffs"). (Docket No. 68). On April 14, 2011 the parties submitted a stipulation to dismiss Plaintiffs' claims under the Fair Labor Standards Act, which the Court approved on April 18, 2011. As such, Plaintiff's Motion is denied as moot. The hearing calendared for April 25, 2011, is vacated, and the matter taken off calendar.

The Court has supplemental jurisdiction over Plaintiffs' remaining state law claims for violations of the California Labor Code and the California Business and Professions Code under 28 U.S.C. § 1367(a). Once supplemental jurisdiction has been established under § 1367(a), a district court "can decline to assert supplemental jurisdiction over a pendant claim only if one of the four categories specifically enumerated in section 1367(c) applies." Executive Software v. U.S. Dist. Court for the Cent. Dist. of Cal., 24 F.3d 1545, 1555-56 (9th Cir. 1994). The Court may decline 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 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). Since all claims over which this Court has original jurisdiction are dismissed, the Court declines to exercise supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367(c)(3). The Court therefore dismisses Plaintiffs' state law claims without prejudice. See 28 U.S.C. § 1367(d).

Since the Court has declined to exercise supplemental jurisdiction over Plaintiffs' state law claims, Plaintiffs' Motion for Class Action Certification of the state law claims is also denied as moot. (Docket No. 26.)

IT IS SO ORDERED.