

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SACV 12-882-JST (JPRx)

Date: April 5, 2013

Title: Nancy Calzadilla Wheeler, etc., et al. v. Estee Lauder Companies, Inc., etc., et al.

Present: **Honorable JOSEPHINE STATON TUCKER, UNITED STATES DISTRICT JUDGE**

Terry Guerrero
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

Not Present

Not Present

PROCEEDINGS: (IN CHAMBERS) ORDER DISMISSING CASE

Plaintiffs filed this action on the sole basis of the Class Action Fairness Act of 2005 (“CAFA”). (Compl. ¶ 4, Doc. 1.) Subject-matter jurisdiction under CAFA requires (1) a class action; (2) where the amount in controversy exceeds \$5,000,000; and (3) minimal diversity exists. *See* 28 U.S.C. § 1332(d). On February 12, 2013, the Court denied Plaintiffs’ motion for class certification. (*See* Doc. 44.)

In light of the Court’s Order denying class certification, only Plaintiffs’ individual claims remain. “[A]ny surviving individual claims rest on this Court’s supplemental jurisdiction pursuant to 28 U.S.C. [§] 1367(a).” *Oskar v. IDS Property Cas. Ins. Co.*, No. 09-CV-04516 (RRM), 2011 WL 1103905, at *7 (E.D.N.Y. Mar. 23, 2011). “Pursuant to 28 U.S.C. § 1367(c)(3), a district court has the discretion to decline to exercise supplemental jurisdiction over state claims after the dismissal of all claims over which it had original jurisdiction.” *Id. Cf. Lacey v. Maricopa Cnty.*, 693 F.3d 896, 940 (9th Cir. 2012) (*en banc*) (“[T]he district court retains discretion over whether to exercise supplemental jurisdiction over state law claims even after all federal claims are dismissed.”). The Supreme Court has expressly held that “when the federal-law claims have dropped out of the lawsuit in its early stages and only state-law claims remain, the federal court should decline the exercise of jurisdiction by dismissing the case without prejudice.” *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 (1988) (citations omitted).

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In light of the foregoing, the Court declines to exercise supplemental jurisdiction over Plaintiffs' state-law claims and DISMISSES this case without prejudice to refile in state court.

Initials of Preparer: tg