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NW Constitutional Rights Center

520 SW Sixth Ave., #1050

Portland, OR 97204

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

GREGG SCHUMACHER and LINDA	)	
SCHUMACHER, individually and as	)	No. CV-07-601-HU
husband and wife, and GREGG	)	
SCHUMACHER FURS LLC dba	)	MOTION TO DISMISS FOR LACK
SCHUMACHER FURS & OUTERWEAR,	)	OF PENDENT PARTY JURISDICTION
	)	ON BEHALF OF IN DEFENSE OF
Plaintiffs	)	ANIMALS, MATT ROSSELL, CONNIE
	)	DURKKEE, and KEVIN MEIRAS
v.	)	
	)	ORAL ARGUMENT REQUESTED
CITY OF PORTLAND, a municipal	)	
corporation; IN DEFENSE OF ANIMALS,	)	
a foreign nonprofit corporation; ANIMAL	)	

1 – MOTION TO DISMISS FOR LACK OF JURISDICTION ON BEHALF OF IN DEFENSE OF ANIMALS, MATT ROSSELL, CONNIE DURKKEE and KEVIN MEIRAS


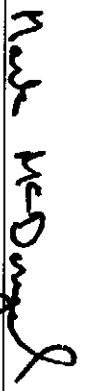


Plaintiffs' claims against IDA, Rossell, Durkee, and Meiras are not "so related" to the federal claims asserted against defendant City of Portland that they form part of the "same case or controversy." 26 U.S.C. § 1367(a). Plaintiffs' claims against defendants are state claims arising out of different facts, and containing different evidentiary issues, legal theories and remedies.

Even if this Court were to determine that the state claims are part of the same case or controversy, the court cannot exercise supplemental jurisdiction because the claims state law claims substantially predominate over the claims over which the district court has original jurisdiction. Plaintiffs' complaint contains three federal claims, only against the City of Portland, while there are five state law complaints against IDA, Rossell, Durkee, and Meiras.

This Motion is based on the accompanying Memorandum in Support, and on the records, files, and pleading in this case.

RESPECTFULLY SUBMITTED this 11<sup>th</sup> day of May, 2007,

	
_____ Kani Pannell, OSB #06429 (admission pending)	_____ Gregory Kafoury, OSB #74166 Mark G. McDougall, OSB #89086
Shauna Curphey, OSB #06306 Of Attorneys for Defendant Meiras	Natale McDougall, OSB #04250 (admission pending) Of Attorneys for Defendants IDA, Rossell and Durkee

**CERTIFICATE OF SERVICE**

I hereby certify that I served a true copy of the foregoing Motion to Dismiss for lack of Pendent Party Jurisdiction on the following person(s) on the date indicated below, by the following method:

[X] by electronically mailed notice from the court on the date set forth below;

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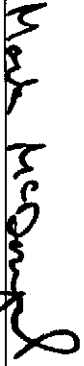
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DATED: May 11, 2007

  
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