

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

LAURA LOSACANO, DANETTE
BEDERKA, LEIGH KUNDRICK,
COLLEEN SANCHEZ, VICTORIA
DULL, SUSAN JULIAN and WYNONA
PARR, on behalf of herself and other
employees similarly situated

Plaintiffs,

v.

Case No: 2:17-cv-84-FtM-38CM

ANTHONY 57, INC., ANTHONY
SERRAGO and SABAL SPRINGS
HOMEOWNERS ASSOCIATION,
INC.,

Defendants.

ORDER¹

This matter comes before the Court on Defendant Sabal Springs Homeowners' Association, Inc.'s Unopposed Motion to Retain Supplemental Jurisdiction ([Doc. 76](#)). This matter is ripe for review.

This is a collective action under the Fair Labor Standards Act ("FLSA") and Florida Constitution. ([Doc. 11](#)). Plaintiffs sued Defendants Anthony 57, Inc., Anthony Serrago, and Sabal for unpaid minimum and overtime wages. ([Doc. 11](#)). Sabal answered Plaintiffs' Complaint, but Anthony 57 and Anthony Serrago did not. ([Doc. 29](#)). Sabal then

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filed a Crossclaim against Anthony 57 and Anthony Serrago for breach of contract, indemnification, and contribution. ([Doc. 49](#)).


Thereafter, Sabal and Plaintiffs settled the case at mediation. ([Docs. 71](#); [72](#)). They then moved for approval of their settlement agreement and requested that the Court dismiss Plaintiffs' claims with prejudice. ([Doc. 75](#)). The Court granted the motion and dismissed Plaintiffs' claims. At the same time, Sabal requested this Court retain jurisdiction over the state law claims in its Crossclaim. ([Doc. 76](#)).

Here, the only remaining claims after Plaintiffs' federal claims were dismissed are state law claims. And "[a] district court's decision whether to exercise . . . jurisdiction after dismissing every claim over which it had original jurisdiction is purely discretionary." [Carlsbad Tech., Inc. v. HIF Bio, Inc.](#), 556 U.S. 635, 639 (2009); see also 28 U.S.C. § 1367(c)(3). After review, the Court declines to exercise supplemental jurisdiction. Therefore, it will dismiss Sabal's Crossclaim without prejudice.

Accordingly, it is now **ORDERED**:

- (1) Defendant Sabal Springs Homeowners' Association, Inc.'s Unopposed Motion to Retain Supplemental Jurisdiction ([Doc. 76](#)) is **DENIED**.
- (2) Defendant Sabal Springs Homeowners' Association, Inc.'s Verified Crossclaim ([Doc. 49](#)) is **DISMISSED without prejudice**.
- (3) The Clerk of Court is directed to terminate any pending motions and deadlines and **CLOSE** this case.

DONE and **ORDERED** in Fort Myers, Florida this 9th day of March, 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record