

Supplemental Jurisdiction—Section 1367
Civil Procedure—Gómez-Arostegui Fall 2023

- I. 1367(a)—creates supplemental jurisdiction for all claims that do not themselves qualify for original SM jurisdiction, if they are so related to a claim where there is original SM jurisdiction that they form part of the same case or controversy—*i.e.*, they share a common nucleus of operative fact.
- A. It doesn't matter how you get the original SM jurisdiction—could be diversity (§ 1332), federal question (§ 1331), or other statutory grants of SM jurisdiction. But you need a claim with original SM jurisdiction because that is your hook for supplemental jurisdiction.
- II. 1367(b)—carves out (and thus rejects) supplemental jurisdiction in limited circumstances IF:
- A. The original SM jurisdiction comes solely from § 1332 (diversity jurisdiction); and
- B. The otherwise non-qualifying claim is brought by:
1. Plaintiffs against persons made parties under rule 14, 19, 20, ~~or 24~~. In other words:
 - a. claims by π s against parties joined (a.k.a. impleaded) under Rule 14(a)(3).
 - i. *e.g.*, a claim by a π against a third-party ∂ .
 - b. claims by π s against parties joined under Rule 19.
 - i. this is required joinder.
 - c. claims by π s against parties joined under Rule 20.
 - i. this is permissive joinder.
 - ~~d. claims by π s against parties intervening under Rule 24, whether intervening as of right or permissive.~~
 - ~~2. Or by persons proposed to be joined as plaintiffs under Rule 19.~~
 - ~~3. Or by persons seeking to intervene as plaintiffs under Rule 24.~~
- NOTE: this § 1367(b) exclusion does not apply to claims asserted by parties other than plaintiffs, such as the following scenarios (and some others I am not testing you on): (1) counterclaims brought by defendants against plaintiffs; (2) crossclaims brought by defendants against other defendants; and (3) claims brought by defendants against third-party defendants.
- NOTE: The Court has adopted a controversial interpretation of the § 1367(b) exclusion which applies in a very specific scenario. If there is more than one plaintiff in the lawsuit, and there is complete diversity, but one of the plaintiffs (B) does not meet the amount-in-controversy requirement on her own claim, but the other plaintiff (A) does, then supplemental jurisdiction *can* be used to hear the (B) plaintiff's claim. See Hypo 3.9 on p 287 (answer is yes).
- III. 1367(c)—discretionary aspects—see statute.
- IV. 1367(d)—tolling—see statute.