**Supplemental Jurisdiction—Section 1367**
**Civil Procedure—Gómez-Arostegui Fall 2026**

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 <u>solely</u> 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 πs 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 πs against parties joined under Rule 19.

i. this is required joinder.

c. claims by πs against parties joined under Rule 20.

i. this is permissive joinder.

~~d. claims by πs 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 301 (answer is yes).

III. 1367(c)—discretionary aspects—see statute.

IV. 1367(d)—tolling—see statute.