UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 12-CV-62384-ROSENBAUM

UTHUPPAN JACOB,

Plaintiff,

v.

KOREAN AIR LINES CO., LTD.,

Defendant.
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ORDER

This matter is before the Court upon Defendant's Motion for Summary Judgment. [ECF No. 47]. Plaintiff, a passenger on Defendant Korean Air Lines, seeks to recover against the airline for injuries he allegedly suffered as a result of his travel. Plaintiff also claims that Defendant converted $2,000 from him. The claims are governed exclusively by the Montreal Convention, an international treaty covering claims arising from international air transportation.[1] Defendant seeks dismissal of the Complaint in its entirety, arguing that Plaintiff cannot establish the conditions of liability under the Montreal Convention—that Plaintiff suffered an "accident" while traveling that caused a bodily injury. Defendant further argues that Plaintiff's conversion claim is preempted by the Montreal Convention.

The Court has duly considered the Motion. For the reasons discussed below, the Motion is granted.

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[1] The full name of the treaty is the Convention for the Unification of Certain Rules for International Carriage by Air, May 28, 1999, S. Treaty Doc. No. 106-45 (2000). This Order refers to the treaty as the "Montreal Convention."

I. FACTS[2]

A. Plaintiff's Travel on Korean Air Lines

Plaintiff, a diabetic and a United States citizen, traveled on Korean Air Lines from Honolulu, Hawaii, to Mumbai, India, with a connection through Seoul, South Korea, in September 2011. *See* ECF No. 61-1 ¶¶ 1, 18. At the time of his travels, Plaintiff was approximately 65 years old. See ECF No. 54-6 at 1. Upon Plaintiff's arrival in Mumbai, Indian immigration officials refused Plaintiff entry into India because of alleged inadequate travel documentation. ECF No. 61-1 ¶ 22.[3] Indian officials issued a Notice of Refusal to Land, classifying Plaintiff as an inadmissible passenger. *Id.* ¶ 26; ECF No. 48-2 at 30. The Notice directed the airline to remove Plaintiff "immediately out of . . . India by the same/first available flight out of India" and further instructed Defendant that Plaintiff "should be handed over to the Immigration Authorities Honolulu (USA) with relevant document." ECF No. 61-1 at ¶ 26; ECF No. 48-2 at 30. It further stated that Defendant's failure to comply would violate Indian law. ECF No. 61-1 ¶ 27; ECF No. 48-2 at 30.

Defendant then escorted Plaintiff to the first Korean Air Lines flight departing from Mumbai to the United States—a flight to Honolulu with a layover in Seoul. ECF No. 61-1 ¶ 28. Defendant informed Plaintiff that he was responsible for the cost of the return ticket to Honolulu. Plaintiff alleges that he handed Defendant $2,000 in cash and a smaller amount of Indian rupees,

[2] The facts are drawn from the parties' Local Rule 56.1 statements and other relevant portions of the record. *See* ECF Nos. 48, 53-1, 61-1. As to the Rule 56.1 statements, the Court relies upon only facts Plaintiff admitted and facts that are deemed admitted based on Plaintiff's failure to respond to Defendant's statement, where the record supports Defendant's statement. *See* S.D. Fla. L.R. 56.1(b).

[3] Plaintiff maintains that he did, in fact, have proper documentation with him upon his arrival in Mumbai. That factual issue, however, is irrelevant for purposes of the instant Motion.

of which Defendant used only part to pay for the ticket. According to Plaintiff, Defendant converted the remainder of the money.

Before boarding the plane, Plaintiff complained to Defendant that he did not want to get on the flight. He testified, "I told the agent, Korean agent that I am tired. I am hungry. I didn't take my medication. I don't want to go back." *Id.* ¶ 34. But Plaintiff boarded the plane, understanding that the Indian government would not let him into the country. ECF No. 48-1 at 77:21-:24. On the flight from Mumbai to Seoul, Plaintiff requested a diabetic meal.[4] *Id.* at 81:3-:14. He was instead served a regular meal, which he ate. *Id.* Although Plaintiff testified that he did not take his diabetes medication on the flight because he had run out and the remainder was in his checked luggage, he did not request medical attention during the flight. *Id.* at 83:6-:12; 84:6-:10; ECF No. 61-1 ¶ 37. Upon his arrival in Seoul, Plaintiff walked off the plane without assistance. *Id.* ¶¶ 39-40.

Once in Seoul, Plaintiff was escorted to a holding area[5] until the next leg of his trip (Seoul to Honolulu). *Id.* ¶ 39. While in the holding area (for somewhere between two and four-and a half hours), Plaintiff drank water, but made no request for food or medical attention. *Id.* ¶ 42; ECF No. 48-1 at 109:14-:22; 112:19-:20; 114:7-:14. According to Plaintiff, he did not ask for anything because every employee in the holding area "pretend[ed] not to speak English." ECF No. 61-1 ¶¶ 43-47.

Plaintiff was escorted to the final leg of his trip, from Seoul to Honolulu. *Id.* ¶ 50. Although Plaintiff requested water immediately upon boarding, he was told that he would have

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[4] Although Plaintiff ordered diabetic meals when he booked his original trip from Honolulu to Mumbai, he was not able to order those meals in advance for his return trip from Mumbai to Honolulu since he did not anticipate taking that return trip.

[5] Plaintiff characterizes this area as a "holding cell," and the parties dispute the physical characteristics of the space. This factual dispute is immaterial to the issues in the instant Motion.

to wait. ECF No. 48-1 at 116:20-:25. About an hour later, Plaintiff was able to obtain water. *Id.* at 117:1-:3. Plaintiff requested diabetic meals, but instead was served two regular meals, which he ate in part. *Id.* at 118:9-:17. About five to ten minutes before the plane landed, Plaintiff complained to the flight crew about the condition of his legs. *Id.* at 120:19-121:6. He pointed out that his feet and legs were swollen. *Id.* at 119:22-120:6. When the plane landed, Plaintiff attempted to stand up but could not because his feet were too swollen. *Id.* at 123:13-:15. Instead, Plaintiff fell back into the seat in which he had been sitting. *Id.* at 123:24-:25.

Defendant arranged for a wheelchair to carry Plaintiff off the plane. *Id.* at 127:4-:9; 129:5-:8. After Plaintiff passed through Immigration, an ambulance transported him to the hospital. *Id.*

B. <u>Plaintiff's Medical Condition Following His Travel on Korean Air Lines</u>

Once at the hospital, doctors conducted a series of tests on Plaintiff, including an MRI and a spinal tap. *Id.* at 130:3-:8. Plaintiff stated at deposition that the swelling "was not because of my diabetes. I never had this. I was diabetic almost like 15 years now, never had swollen legs like this before. So this is because I was sitting in the plane, the injury that I got from the plane." *Id.* at 130:20-:25. Plaintiff submitted the medical notes from his hospital visit in opposition to summary judgment. *See* ECF No. 54-6 at 10. Although Plaintiff did not file a medical-expert report, among the 233 pages of medical records that he did submit, several mentions that diabetic neuropathy may have been a potential cause of Plaintiffs' swollen legs appear. *E.g.*, *id.* at 10 (stating that Plaintiff was in the hospital "due to leg swelling," and that "[t]he cause of numbness and weakness was likely due to diabetic neuropathy"), 15 ("Clinical Impression: Neuropathy in diabetes"), 25 ("The patient's presentation is most consistent with peripheral neuropathy likely due to diabetes."). "Diabetic neuropathy, a common complication

of diabetes, is damage to the nerves that allow [a person] to feel things such as pain." http://www.webmd.com/diabetes/diabetes-neuropathy (last visited March 20, 2014).

In his deposition, Plaintiff stated that Defendant's treatment of him caused physical problems that became evident after his travel from Mumbai to Honolulu in September 2011. Specifically, Plaintiff stated that Defendant caused him to require insulin to treat his diabetes (whereas he claimed to have managed his illness through diet alone before the trip), and to have heart pain requiring open heart surgery. *See* ECF No. 48-1 at 138:4-:7; 11-14. Plaintiff submitted no evidence of these ailments or their connection to the travel at issue in this case other than his own testimony.

Defendant, on the other hand, submitted an expert report from Diane R. Krieger, M.D., who is board certified in endocrinology, diabetes, and metabolism. *See* ECF No. 48-6. Dr. Krieger did not examine Plaintiff. Instead, she based her report upon review of Plaintiff's medical records and deposition. *Id.* After reviewing Plaintiff's medical records and deposition, Dr. Krieger described Plaintiff in 2011 as "a 65 year old . . . male with longstanding diabetes, hypertension[[6]] and hyperlipidemia complicated by coronary artery disease and peripheral neuropathy." *Id.* at 5.

Based on her review of the medical records, Dr. Krieger rejected Plaintiff's suggestion that Plaintiff's travel experience with Defendant caused his medical problems. *Id.* at 5-6. Instead, Dr. Krieger opined, Plaintiff's records demonstrated that his medical conditions requiring him to take insulin and undergo another coronary artery bypass grafting existed and were medically documented before Plaintiff's September 2011 flight with Defendant:

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[6] As Krieger's report explains, Plaintiff had coronary artery bypass grafting in 1991 after a myocardial infarction. *Id.*

> In his deposition, Mr. Jacob alleged that his coronary problems in June 2012 and his use of insulin beginning in August 2013 were both consequences of his September 2011 airline experiences. The medical records I reviewed do not support Mr. Jacob's contention that the long flight he endured caused his subsequent cardiac problems or deterioration of his diabetes control. His diabetes control was poor in August, 2011 prior to his trip and he was a candidate for insulin at that time. His blood sugar on admission to the Honolulu emergency room in September, 2011 was similar to what it had been at two prior admissions to that hospital earlier in June and July, 2011. His diabetes, prior history of coronary disease and coronary artery bypass grafting, prior smoking habit, hypertension and hyperlipidemia all contributed to his advancing coronary disease. The swelling experienced was most likely due to a long period of leg dependency. When older people or people with automatic neuropathy and or venous insufficiency do not elevate their legs for long periods, fluid does not return to the central part of the body efficiently and accumulates in the lower extremities. This temporary problem resolves when the legs are raised, as it did in Mr. Jacob's case. The long trip did not worsen his neuropathy or his diabetes. There were no significant or enduring consequences of missing his usual medications on his return flight.

ECF No. 48-6 at 6.

C. Plaintiff's Claims

Plaintiff brought suit claiming that he was injured as a result of Defendant's "refusal to provide access to necessary medical care at Mumbai and at Seoul" and Defendant's confinement of Plaintiff, which deprived him of food and medication. Compl. ¶ 32. As discussed above, the alleged injuries include Plaintiff's swollen legs, his later need to treat his diabetes with insulin, and his later heart pains requiring open heart surgery. Plaintiff also argues that some of these injuries resulted from the mental distress he suffered because Defendant kept him in the holding area in Seoul, and he was required to make the long return journey from Mumbai to Honolulu. *Id.* at 134:7-13.[7] In addition, Plaintiff alleged conversion, claiming that Defendant did not return

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[7] In his deposition, Plaintiff referenced having experienced "mental injuries." In his opposition to summary judgment, however, he instead characterizes his physical injuries as

$2,000 in cash and a smaller amount of rupees that Plaintiff had turned over to pay for his ticket from Mumbai to Honolulu.

D. Defendant's Motion for Summary Judgment

Article 17.1 of the Montreal Convention creates a presumption of air-carrier liability for "bodily injury" as follows:

> The carrier is liable for damage sustained in case of death or bodily injury of a passenger upon condition only that the accident which caused the death or injury took place on board the aircraft or in the course of any of the operations of embarking or disembarking.

Defendant argues that Plaintiff cannot show that any event Plaintiff experienced while traveling on Korean Air Lines was an "accident," as that term is understood under Article 17. Defendant further asserts that even if any event could be considered an "accident" under the Convention, Plaintiff cannot show that any such accident *caused* Plaintiff's injury. Finally, Defendant argues that Plaintiff's conversion claim is preempted by the Montreal Convention.

II. DISCUSSION

A. Summary Judgment Standard

Summary judgment is appropriate "if the pleadings, the discovery and disclosure materials on file, and any affidavits show that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(c). An issue is genuine if "a reasonable trier of fact could return judgment for the non-moving party."

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manifestations of mental distress. The parties agree that the Convention bars purely mental injuries. *See* ECF No. 53 at 15-16. Indeed, the Supreme Court held as much more than twenty years ago. *See Eastern Airlines, Inc. v. Floyd*, 499 U.S. 530, 534 (1991). Therefore, the Court does not address Plaintiff's complaints of purely mental injuries. As for Plaintiff's attempts to characterize his physical injuries as manifestations of mental distress, at best, "mental injuries are recoverable under Article 17 only to the extent that they have been caused by bodily injuries." *Ehrlich v. Am. Airlines, Inc.,* 360 F.3d 366, 400 (2d Cir. 2004). Here, even if Plaintiff presented evidence that established that supposition --- which he does not --- the causation that Plaintiff proposes is backwards.

Miccosukee Tribe of Indians of Fla. v. United States, 516 F.3d 1235, 1243 (11th Cir. 2008). A fact is material if it "might affect the outcome of the suit under the governing law." *Id.*

On a motion for summary judgment, the Court views the evidence, including all reasonable inferences drawn from it, in the light most favorable to the non-moving party and resolves all reasonable doubts against the movant. *Rioux v. City of Atlanta, Ga.,* 520 F.3d 1269, 1274 (11th Cir. 2008); *Johnson v. City of Mobile,* 321 F. App'x 826, 830 (11th Cir. 2009). The Court does not weigh conflicting evidence. *Skop v. City of Atlanta,* 485 F.3d 1130, 1140 (11th Cir. 2007), *reh'g and reh'g en banc denied,* 254 F. App'x 803 (11th Cir.2007). Nor does the Court determine the credibility of witnesses. *Jones v. UPS Ground Freight,* 683 F.3d 1283, 1292 (11th Cir. 2012). Upon discovering a genuine material dispute, the Court must deny summary judgment and proceed to trial. *Id.* at 1292.

The moving party shoulders the initial burden of demonstrating the absence of a genuine issue of material fact. *Shiver v. Chertoff,* 549 F.3d 1342, 1343 (11th Cir. 2008). Once the moving party satisfies this burden, "the nonmoving party 'must do more than simply show that there is some metaphysical doubt as to the material facts." *Ray v. Equifax Info. Servs., LLC.,* 327 F. App'x 819, 825 (11th Cir. 2009) (quoting *Matsushita Elec. Indus. Co., Ltd. v. Zenith Radio Corp.,* 475 U.S. 574, 586 (1986)). Instead, "the non-moving party 'must make a sufficient showing on each essential element of the case for which he has the burden of proof." *Id.* (quoting *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986)). Accordingly, the non-moving party must produce evidence, going beyond the pleadings, and by his own affidavits, or by depositions, answers to interrogatories, and admissions on file, designate specific facts suggesting that a reasonable jury could find in his favor. *Shiver,* 549 F.3d at 1343.

Local Rule 56.1 further factors into this Court's consideration of a motion for summary judgment. Under Local Rule 56.1, a party moving or opposing summary judgment must submit a "statement of the material facts as to which it is contended that there does not exist a genuine issue to be tried or there does exist a genuine issue to be tried, respectively." S.D. Fla. L.R. 56.1(a). The rules require these statements be supported by "specific references" to evidence on the record. S.D. Fla. L.R. 56.1(a)(2). The Local Rules expressly caution, "All material facts set forth in the movant's statement filed and supported as required above will be *deemed admitted* unless controverted by the opposing party's statement, provided that the Court finds that the movant's statement is supported by evidence in the record." S.D. Fla. L.R. 56.1(b) (emphasis added). But even where an opposing party neglects to submit any alleged material facts in controversy, the court must still satisfy itself that the evidence on the record supports the uncontroverted material facts that the movant has proposed. *Reese v. Herbert,* 527 F.3d 1253, 1268-69, 1272 (11th Cir. 2008); *United States v. One Piece of Real Prop. Located at 5800 SW 74th Ave., Miami, Fla.,* 363 F.3d 1099, 1103 n.6 (11th Cir. 2004).

B. Accident Causing Bodily Injury Under the Montreal Convention

Liability exists under Article 17 of the Montreal Convention, only if an "accident" caused a plaintiff's death or injury. An "accident" under the Convention is an "unusual or unexpected event or happening that is external to the passenger." *Air France v. Saks*, 470 U.S. 392, 405 (1985).[8] "The definition should be flexibly applied after assessment of all of the circumstances surrounding the passenger's injuries." *Id.* However, "when the injury indisputably results from

[8] As discussed in the Court's January 13, 2014, Order, courts may rely on cases interpreting the Montreal Convention's predecessor, the Warsaw Convention, where provisions of the Montreal Convention are substantively the same. *See* ECF No. 40 at 12 (citing *Ugaz v. Am. Airlines, Inc.*, 576 F. Supp. 2d 1354, 1360 (S.D. Fla. 2008)).

the passenger's own internal reaction to the usual, normal, and expected operation of the aircraft, it has not been caused by an accident." *Id.*

In opposition to Defendant's Motion for Summary Judgment, Plaintiff sets forth several incidents that he argues were "accidents" that caused him injury. In particular, Plaintiff argues that the following instances constitute "accidents" under Article 17 that caused Plaintiff's injury: (1) Defendant's theft of $2,000 in cash from Plaintiff; (2) the "denial of access to medicine" in Mumbai when Plaintiff's luggage was checked (and again in Seoul, where Plaintiff did not have access to his checked luggage); (3) Defendant's failure to call a physician for him at the gate in Mumbai or upon his arrival in Seoul; (4) the failure to provide Plaintiff with diabetic meals on any flight on his return from Mumbai to Honolulu; (5) Defendant's failure to allow Plaintiff to "stroll the transit facility" or go through immigration in Seoul; (6) Plaintiff's "detention" in the holding area in Seoul; (7) Defendant's failure to feed or provide "proper hydration" to Plaintiff in the holding facility in Seoul; and (8) Defendant's "failure to assist" Plaintiff when he fell back into his seat because of his swollen legs. ECF No. 53 at 3-10.

Plaintiff also sets forth several injuries he believes Defendant caused—namely, his swollen legs, his later need to begin treating his diabetes with insulin, and his later chest pains requiring open-heart surgery. But Plaintiff fails to provide any medical evidence that any of the alleged "accidents" caused or even contributed to his injuries. This omission dooms Plaintiff's Article 17.1 claim.

Although causation is an issue generally left to a jury, medical causation falls beyond the scope of a layperson's knowledge and requires competent medical testimony. *See, e.g.*, *Wingster v. Head*, 318 F. App'x 809, 814 (11th Cir. 2009) (holding that the cause of an aneurysm was a medical-causation issue beyond a layperson's knowledge that required competent medical

testimony); *Allison v. McGahn Med. Corp.*, 184 F.3d 1300, 1320 (11th Cir. 1999) (holding that whether breast implants could and did cause systemic disease in plaintiff was not a natural inference that a juror could make through human experience, and therefore, medical expert testimony was required to prove causation); Fed. R. Evid. 701, 702. Summary judgment is appropriate where a plaintiff has provided no medical expert evidence of the causation element of his case. *See, e.g.*, *Webster v. Offshore Food Serv., Inc.*, 434 F.2d 1191, 1193 (5th Cir. 1970) (granting summary judgment for the defendant, where only the defendant submitted medical expert testimony on the issue of causation); *Haggerty v. Upjohn Co.*, 950 F. Supp. 1160, 1168 (S.D. Fla. 1996) (granting summary judgment for the defendant after the plaintiff's medical causation expert was excluded, since the plaintiff "failed to meet his burden and demonstrate that there [was] a genuine issue of material fact with respect to medical causation in order to preclude summary judgment").

Here, although Plaintiff has filed his medical records in this case, he points to no aspect of them that supports his theory that the alleged "accidents" caused the injuries of which Plaintiff complains. Nor has Plaintiff submitted any medical-expert evidence at all in opposition to summary judgment. Instead, Plaintiff merely baldly proclaims that Defendant caused the injuries of which he complains:

> [Plaintiff]'s injury was in fact the culmination of a series of 'accidents' within the meaning of the Montreal Convention which began almost twenty four hours before when he was delivered to the gate in Mumbai, robbed, detained, denied medical care, denied his medications, denied medical attention, denied food, denied water, and forced, as a disabled sixty five year old diabetic to board flights for a twenty two hour ordeal punctuated by being treated like a criminal by [Korean Air Lines] personnel on aircraft and holding cells.

ECF No. 53 at 10-11. He similarly concludes without any support that his swollen legs were the "physical manifestation" of Plaintiff's "distress" experienced during or after an accident. *Id.* at 12-13. And, again without reference to any medical authority, Plaintiff opines,

> Had a diabetic meal been ordered for the flight from Seoul to Honolulu and had Jacob's request for water upon entering the aircraft been met by [Korean Air Lines] flight crew members he might not have experienced the physical manifestations of his preexisting condition that sent him to Queens Hospital for a spinal tap eleven hours later.

Id. at 14-15. Indeed, even Plaintiff's unsupported conclusion musters up only the speculation that but for Defendant's actions, Plaintiff "*might not have experienced*" swollen legs. This is the extent of Plaintiff's argument and evidence on causation. Quite simply, it is not enough to survive summary judgment.

Defendant is entitled to judgment as a matter of law because Plaintiff "has failed to make a sufficient showing on an essential element of [his] case with respect to which [he] has the burden of proof. *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986).

C. Conversion Claim

Count II of the Complaint is styled, "Conversion Claim Outside the Montreal Convention." Plaintiff alleges that Korean Air Lines agents took $2,000 from Plaintiff. On summary judgment, Defendant argues that the claim should be dismissed as preempted by the Montreal Convention. Article 17.2 of the Convention provides recovery for "personal items" if the loss was the fault of the air carrier.

"[T]he Convention's preemptive effect on local law extends to all causes of action for injuries to persons or baggage suffered in the course of international airline transportation, regardless of whether a claim actually could be maintained under the provisions of the

Convention." *El Israel Airlines, Ltd. v. Tseng*, 525 U.S. 155, 169 (1999). Plaintiff does not argue otherwise.

Instead, Plaintiff attempts to restyle the claim as a claim for "lost baggage" under Article 22 of the Montreal Convention. But the Complaint does not include a claim under Article 22. "At the summary judgment stage, the proper procedure for plaintiffs to assert a new claim is to amend the complaint in accordance with Fed. R. Civ. P. 15(a). A plaintiff may not amend her complaint through argument in a brief opposing summary judgment." *Gilmour v. Gates, McDonald & Co.*, 382 F.3d 1312, 1315 (11th Cir. 2004). Because Plaintiff's "non-convention" claim for conversion is preempted by the Montreal Convention, Count II of the Complaint is dismissed with prejudice.

Moreover, even if Plaintiff's claim for conversion were not preempted by the Montreal Convention, the Court declines to exercise its supplemental jurisdiction over the claim. Federal courts enjoy only limited jurisdiction. *Bochese v. Town of Ponce Inlet*, 405 F.3d 964, 974 (11th Cir.), *cert. denied*, 546 U.S. 872 (2005). To proceed in a case, a federal district court must have at least one of three types of subject-matter jurisdiction: (1) jurisdiction under a specific statutory grant; (2) federal-question jurisdiction pursuant to 28 U.S.C. § 1331; or (3) diversity jurisdiction under 28 U.S.C. § 1332(a). *Baltin v. Alaron Trading Corp.*, 128 F.3d 1466, 1469 (11th Cir. 1997) (citing *Klein v. Drexel Burnham Lambert*, 737 F. Supp. 319, 323 n.11 (E.D. Pa. 1990)). Here, it is undisputed that jurisdiction does not lie pursuant to a specific statutory grant. And, without Plaintiff's Montreal Convention claim, which previously provided federal-question jurisdiction, the Court lacks subject-matter jurisdiction. Indeed, all that remains is Count II — a state claim for conversion. In order for subject-matter jurisdiction to lie over the conversion

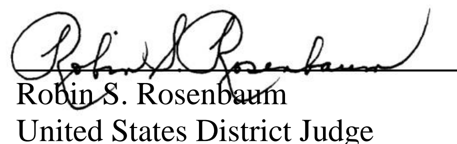
claim, however, Plaintiff must demonstrate diversity jurisdiction pursuant to 28 U.S.C. § 1332(a). This, Plaintiff cannot do.

Diversity jurisdiction exists where the lawsuit arises between citizens of different states and the amount in controversy exceeds $75,000. *See McDonald v. Emory Healthcare Eye Center*, 391 F. App'x 851, 853 (11th Cir. 2010). Here, the Complaint alleges that Plaintiff seeks $2,000, which he claims was converted by Defendant. Accordingly, diversity jurisdiction is lacking because the amount in controversy is well below the requisite $75,000. And, although supplemental jurisdiction may apply, when "the district court has dismissed all claims over which it [had] original jurisdiction," the court may decline to exercise supplemental jurisdiction over related claims. *See* 28 U.S.C. § 1367(c)(3). Here, after granting summary judgment in favor of Defendant on the federal-question claim, the Court declines to exercise jurisdiction over Plaintiff's state-law claim for conversion.

III. CONCLUSION

For the foregoing reasons, Defendant's Motion for Summary Judgment [ECF No. 47] is **GRANTED**. Final judgment shall be entered separately, in accordance with Rules 56 and 58, Fed. R. Civ. P.

DONE and **ORDERED** in Fort Lauderdale, Florida, on March 20, 2014.



Robin S. Rosenbaum
United States District Judge

Copies:
The Honorable Patrick M. Hunt
All Counsel of Record