

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

-----  
D, by his next friend, KURTIS B.,  
JENNIFER B. and KURTIS B.,

Plaintiffs,

v.

JAMES KOPP, JAN MORAVITS,  
LISA RINIKER, GRANT COUNTY  
and GRANT COUNTY DEPT. OF SOCIAL SERVICES,

Defendants.  
-----

ORDER

11-cv-773-bbc

In an order dated April 11, 2012, I granted the motion for judgment on the pleadings filed by defendants Lisa Riniker and defendants James Kopp, Jan Moravits, Grant County and Grant County Department of Social Services, but I gave plaintiffs D, Kurtis B. and Jennifer B. leave to file an amended complaint by May 2, 2012. Dkt. #53. Now plaintiffs have filed two identical motions for an “extension of time of 120 days to file an amended pleading as to state law counts or, alternatively, dismissal of state law counts without prejudice.” Dkt. ##54 and 56. In their motion, plaintiffs say that they have filed a notice of claim with the county and they need 120 days to complete the process.

I am denying plaintiffs' motion. Even if I assume that it would be appropriate under some circumstances to allow parties to comply with the notice of claim requirements while a case is pending, it makes little sense in this case when it is unclear whether plaintiffs will be proceeding with *any* claims, state or federal. Until plaintiffs plead viable federal claims, this court has no jurisdiction over plaintiffs' state law claims. Plaintiffs seem to be assuming that they will be proceeding on federal law claims, but I cannot make the same assumption before plaintiffs have filed an amended complaint.

Plaintiffs must include all of their proposed claims in their amended complaint. If defendants move to dismiss any state law claims on the ground that plaintiffs have not complied with the notice of claim requirements, plaintiffs may renew their request at that time for dismissal of the state law claims without prejudice.

#### ORDER

IT IS ORDERED that plaintiffs D's, Jennifer B.'s and Kurtis B.'s motion for an "extension of time of 120 days to file an amended pleading as to state law counts or,

alternatively, dismissal of state law counts without prejudice,” dkt. ##54 and 56, is  
DENIED.

Entered this 25th day of April, 2012.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge