

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Kimberly Hunt-Brown v. New Mexico General Services Department, et al.

No. 1:23-cv-00782-SMD-KK · No. No. 1:23-cv-00782-SMD-KK · Decided March 10, 2026

SUMMARY

The United States District Court for the District of New Mexico grants Plaintiff Kimberly Hunt-Brown's motion to remand her remaining New Mexico Human Rights Act disability-accommodation claim to state court. The court declines to exercise supplemental jurisdiction after granting summary judgment on all federal claims, concluding that comity and federalism outweigh concerns about judicial economy and the approaching trial date. The case is remanded to the First Judicial District Court for Santa Fe County, New Mexico.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
WRITING FOR THE COURT	Sarah M. Davenport
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	March 10, 2026
DOCKET	No. 1:23-cv-00782-SMD-KK
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff moved to remand a removed action after the district court granted defendants summary judgment on all federal claims, leaving only a New Mexico Human Rights Act failure-to-accommodate claim.
STANDARD OF REVIEW	The decision whether to exercise supplemental jurisdiction is discretionary and is reviewed under the factors of judicial economy, convenience, fairness, and comity.
PRECEDENTIAL VALUE	unpublished district court order; persuasive only
PARTIES	Kimberly Hunt-Brown v. New Mexico General Services Department, et al.

TOPICS

civil procedure

subject matter jurisdiction

summary judgment

ada / disability

disability discrimination

PRACTICE AREAS

civil procedure

employment law

disability discrimination

supplemental jurisdiction

QUESTIONS PRESENTED

1. Whether the district court should exercise supplemental jurisdiction over the remaining NMHRA disability-accommodation claim after dismissing all federal claims.
2. Whether considerations of judicial economy, convenience, fairness, and comity supported remanding the remaining state-law claim to state court.

HOLDINGS

1. The district court declined to exercise supplemental jurisdiction over the remaining NMHRA claim because the federal claims had been dismissed and the interests of comity and justice favored allowing New Mexico courts to decide the state-law issue.
2. The approaching trial and prior federal-court proceedings did not provide compelling reasons to retain jurisdiction because remand would require few duplicative efforts.

KEY QUOTATIONS

“The decision to exercise supplemental jurisdiction is “purely discretionary.””

“Federal courts must always avoid rendering “[n]eedless decisions of state law . . . both as a matter of comity and to promote justice between the parties, by procuring for them a surer-footed reading of applicable law.””

“The Court therefore finds that “the interest in comity—leaving to the states to decide novel questions of state-law—clearly predominates here” and declines to exercise supplemental jurisdiction over Plaintiff’s NMHRA claim.”

FACTUAL BACKGROUND

Plaintiff filed claims under the FMLA and NMHRA in New Mexico state court, and defendants removed the case based on federal-question jurisdiction. Following discovery and cross-motions for summary judgment, the district court granted defendants summary judgment on all claims except plaintiff’s NMHRA claim alleging failure to accommodate a disability. Although trial preparation had begun and a trial date was approaching, the court had not ruled on motions in limine, made evidentiary findings, or admitted witnesses.

PROCEDURAL HISTORY

Plaintiff filed suit in the First Judicial District Court for Santa Fe County, New Mexico, asserting claims under the Family and Medical Leave Act and the New Mexico Human Rights Act. Defendants removed the action to federal court under federal-question jurisdiction. After discovery and cross-motions for summary judgment, the court dismissed all federal claims but left the NMHRA disability-accommodation claim. The district court granted plaintiff’s motion to remand the remaining state-law claim to the First Judicial District Court for Santa Fe County.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The case was remanded to the First Judicial District Court, County of Santa Fe, State of New Mexico.

CASES CITED

- Carlsbad Technology, Inc. v. HIF Bio, Inc., 556 U.S. 635, 639 (2009)
- Carnegie-Mellon University v. Cohill, 484 U.S. 343, 350 (1988)
- United Mine Workers of America v. Gibbs, 383 U.S. 715, 726 (1966)
- Brooks v. Gaenzle, 614 F.3d 1213, 1229-1230 (10th Cir. 2010)
- Smith v. City of Enid ex rel. Enid City Commission, 149 F.3d 1151, 1156 (10th Cir. 1998)
- Thatcher Enterprises v. Cache County Corporation, 902 F.2d 1472, 1478 (10th Cir. 1990)
- Trujillo v. Northern Rio Arriba Electric Cooperative, 41 P.3d 333 (N.M. 2001)
- Goodman v. OS Restaurant Services, LLC, 461 P.3d 906, 914 (N.M. Ct. App. 2019)
- Birdwell v. Glanz, 790 F. App'x 962, 964 (10th Cir. 2020)
- New Mexico v. General Electric Co., 335 F. Supp. 2d 1157, 1179 (D.N.M. 2003)
- Estate of Reat v. Rodriguez, 824 F.3d 960, 967 (10th Cir. 2016)
- Aery v. Board of County Commissioners of Tulsa County, 696 F. App'x 360, 361 (10th Cir. 2017)
- Merrifield v. Board of County Commissioners for County of Santa Fe, 654 F.3d 1073, 1086 (10th Cir. 2011)
- Salazar v. San Juan County Detention Center, 301 F. Supp. 3d 992, 1004 (D.N.M. 2017)
- Henderson v. National Railroad Passenger Corp., 412 F. App'x 74, 79 (10th Cir. 2011)

OPINION

Hunt-Brown

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

KIMBERLY HUNT-BROWN,

Plaintiff, v. No. 1:23-cv-00782-SMD-KK

NEW MEXICO GENERAL

SERVICES DEPARTMENT, et al., Defendants.

ORDER GRANTING PLAINTIFF'S MOTION TO REMAND

THIS MATTER is before the Court on Plaintiff Kimberly Hunt-Brown's ("Plaintiff's") motion to remand the suit to the First Judicial District Court for the State of New Mexico. Doc. 147 ("Mot. for Remand"). Defendants filed their response and Plaintiff replied. See Doc. 148 ("Defs.' Resp."); Doc. 149 ("Pl.'s Reply"). Upon careful review of the law and relevant facts, the Court GRANTS

Plaintiff's motion for remand.

BACKGROUND

Plaintiff filed suit against Defendants on August 15, 2023, in the First Judicial District Court, Santa Fe County, in the State of New Mexico. Doc. 1 at 1. Plaintiff alleged that Defendants violated the Family and Medical Leave Act ("FMLA") and New Mexico Human Rights Act ("NMHRA"). 29 U.S.C. § 2601; N.M. Stat. Ann. § 28-1-7 (2024). On September 13, 2023, Defendants removed this case to federal court on federal question jurisdiction. *Id.* The parties proceeded with discovery and, following its conclusion, filed cross motions for summary judgment. See Docs. 98, 99, 100. At the time these motions were filed, trial was set for March 9, 2026. See Doc. 69. Both parties submitted exhibit lists, witness lists, and motions in limine in preparation for conference. However, the Court held a scheduling conference on January 27, 2026, and reset trial for May 4, 2026. Doc. 143. On February 6, 2026, the Court granted Defendants' motion for summary judgment as to all but one of Plaintiff's claims—the allegation that Defendants' failure to accommodate her disability violated the NMHRA. Doc. 146 ("Order"). No federal claims remain. See *id.* Plaintiff now seeks remand to the First Judicial District Court for Santa Fe, New Mexico. Mot. for Remand at 5. Plaintiff argues that "there exists no good reason for this Court to continue to exercise supplemental jurisdiction over the remaining state law claims." *Id.* at 3. Regarding the efforts already expended on pretrial filings, Plaintiff underscores that the Court's summary judgment decision "substantially changed the case so parties will have to prepare these trial documents again." *Id.* at 4. Plaintiff posits that reworking these filings means "there will be no efficiency or economy from remaining in federal court, versus having to prepare them again in state court." *Id.* Defendants oppose remand. See Defs.' Resp. They anticipate that securing a new trial date in state court will only prolong the already protracted litigation. Defendants also highlight that Plaintiff's current position conflicts with her prior opposition to delaying trial. *Id.* at 1. Lastly, Defendants argue that because New Mexico courts rely on federal law in interpreting failure to accommodate claims under the NMHRA, there is little risk of the Court muddying the waters of state law if it retains jurisdiction. *Id.* at 4.

LEGAL STANDARD

The decision to exercise supplemental jurisdiction is "purely discretionary." *Carlsbad Tech., Inc. v. HIF Bio, Inc.*, 556 U.S. 635, 639 (2009). The supplemental jurisdiction statute, 28 U.S.C. § 1367, articulates four relevant factors for conducting this analysis: whether (1) the claim raises a novel or complex issue of State law, (2) the claim substantially predominates over the claim or claims over which the district court has original jurisdiction, (3) the district court has dismissed all claims over which it has original jurisdiction, or (4) in exceptional circumstances, there are other compelling reasons for declining jurisdiction. 28 U.S.C. § 1367(c). Plaintiff's motion to remand arises out of the third scenario—whether the Court should exercise supplemental jurisdiction over her state claim following its dismissal of her federal claims. To answer that question the Court must "consider and weigh in each case, and at every stage of the litigation, the values of judicial

economy, convenience, fairness, and comity in order to decide whether to exercise jurisdiction over a case brought in that court involving pendent state-law claims.” *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 (1988); *Brooks v. Gaenzle*, 614 F.3d 1213, 1230 (10th Cir. 2010). Typically, the balance of these interests compels remand. As the Supreme Court explained in *Gibbs*, when “federal claims are dismissed before trial, even though not insubstantial in a jurisdictional sense, the state claims should be dismissed as well.” *United Mine Workers of Am. v. Gibbs*, 383 U.S. 715, 726 (1966); *Smith v. City of Enid ex rel. Enid City Comm’n*, 149 F.3d 1151, 1156 (10th Cir. 1998). This practice effectuates the core federalist principle “that a state court try its own lawsuits.” *Thatcher Enters. v. Cache Cnty. Corp.*, 902 F.2d 1472, 1478 (10th Cir. 1990). Still, remand is not mandatory. A court may retain jurisdiction over the state law claims if judicial economy and fairness provide compelling reasons to do so. *Brooks*, 614 F.3d at 1230.

DISCUSSION

The sole issue left in this suit is Plaintiff’s claim that Defendants failed to accommodate her disability and therefore violated the New Mexico Human Rights Act. Though the NMHRA is a state statute, New Mexico courts look to federal precedent from the American with Disabilities Act (“ADA”) when deciding failure to accommodate claims. See *Trujillo v. N. Rio Arriba Elec. Coop.*, 41 P.3d 333 (N.M. 2001); *Goodman v. OS Rest. Servs., LLC*, 461 P.3d 906, 914 (N.M. Ct. App. 2019). Defendants thus urge that the Court can decide Plaintiff’s case without overstepping into the province of state courts. The Court disagrees. Although concerns of comity are lessened here, they are not wholly absent. Compare *Birdwell v. Glanz*, 790 F. App’x 962, 964 (10th Cir. 2020) (reversing district court’s exercise of supplemental jurisdiction and remanding case to state court when all that remained was “an undecided issue of state law, involving interpretation of an assumption stated in a footnote to a recent opinion of the Oklahoma Supreme Court”), with *New Mexico v. Gen. Elec. Co.*, 335 F. Supp. 2d 1157, 1179 (D.N.M. 2003) (finding that novelty of state law questions “carr[ied] less than their usual weight given the dependency of the state claims upon definition supplied pursuant to [federal law]”). Federal courts must always avoid rendering “[n]eedless decisions of state law . . . both as a matter of comity and to promote justice between the parties, by procuring for them a surer-footed reading of applicable law.” *Gibbs*, 383 U.S. at 726. If this Court exercises supplemental jurisdiction, its decision will not create binding precedent for New Mexico courts. Nor is it in the best position to predict exactly how the New Mexico legislature intended for the NMHRA to operate. This case is therefore better suited for state court. Proceeding in that forum will enable New Mexico courts to create persuasive and binding precedent for future NMHRA litigants that aligns with the law’s animating purpose. Federal courts simply cannot do the same. *Merrifield v. Bd. of Cnty. Comm’rs for Cnty. of Santa Fe*, 654 F.3d 1073, 1086 (10th Cir. 2011). The Court finds that Defendants’ worries about judicial economy do not overcome these federalist principles. For one, remand is often granted after the summary judgment stage. “When defendants properly obtain summary judgment on all federal claims, ‘we have declined to exercise our supplemental jurisdiction over issues of state law, and

instead, when in the interests of comity and justice, remanded with instructions to dismiss.” Birdwell, 790 F. App’x at 964 (quoting *Est. of Reat v. Rodriguez*, 824 F.3d 960, 967 (10th Cir. 2016)). Indeed, the Tenth Circuit has repeatedly reversed district courts for retaining jurisdiction over state law claims following a grant of summary judgment on federal claims. See, e.g., *id.* (reversing district court’s decision to exercise supplemental jurisdiction over state-law claim following grant of summary judgment on federal claims); *Aery v. Bd. of Cnty. Comm’rs of Tulsa Cnty.*, 696 F. App’x 360, 361 (10th Cir. 2017) (reversing district court for granting summary judgment on a state tort claim after dismissal of all federal claims); *Brooks*, 614 F.3d at 1229–30 (finding that district court erred in granting summary judgment against plaintiff on state tort law claim because only the state-law issue was left for decision). Although trial is approaching in this case, proceeding in state court will necessitate few duplicative efforts. The Court has not ruled on the motions in limine, made any evidentiary findings, or admitted witnesses. And in either forum, the parties will need to amend their motions to accord with the Court’s grant of summary judgment (as evidenced by Defendants’ recent request to amend their motion in limine (Doc. 151)). The only identifiable advantage this Court compared to a New Mexico court is its familiarity with the case. But with one claim left in the suit, and a straightforward factual record, the court can easily acquaint itself with the relevant law and facts.¹ Thus, “[t]here is no guarantee that the Court can, even with its experience in the case, do the work better or faster than the state court.” *Salazar v. San Juan Cnty. Det. Ctr.*, 301 F. Supp. 3d 992, 1004 (D.N.M. 2017). Defendants primarily rely on *Henderson v. Nat’l R.R. Passenger Corp.*, 412 F. App’x 74 (10th Cir. 2011) in their response. See Defs.’ Resp. at 2–3. There, the Tenth Circuit affirmed the district court’s refusal to remand where the parties had “filed a Joint Status Report and Provisional Discovery Plan, prepared and served disclosure statements as required by [Fed.] R. Civ. P. 26(a), attended a scheduling conference, exchanged written discovery, taken multiple depositions, participated in a telephonic status conference, and designated expert witnesses” and a trial date had been set. *Id.* at 79. The court found that “[b]ecause the district court did not make any erroneous conclusions of law or fact, we uphold its discretionary choice to refuse to remand this case to state court.” *Id.* But finding that the district court did not err in exercising supplemental jurisdiction does not dictate the inverse, i.e. that it would have abused its discretion if it chose to remand. (*D.N.M.* 2017). The Court therefore finds that “the interest in comity—leaving to the states to decide novel questions of state-law—clearly predominates here” and declines to exercise supplemental jurisdiction over Plaintiff’s NMHRA claim. *Merrifield*, 654 F.3d at 1086.

CONCLUSION

IT IS THEREFORE ORDERED:

- (1) Plaintiff’s Opposed Motion to Remand, Doc. 147, is GRANTED;
- (2) The case is remanded to the First Judicial District Court, County of Santa Fe, State of New Mexico.

SARAH M.DAVENPORT
UNITED STATES DISTRICT JUDGE

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