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**NOT FOR PUBLICATION**

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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Martha Rodriguez,

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No. CV-09-1853-PHX-FJM

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Plaintiff,

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**ORDER**

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vs.

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Quality Loan Service Corp., et al.,

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Defendants.

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The court has before it plaintiff's motion to remand (doc. 12) and defendant Wells Fargo Bank's response (doc. 15). Plaintiff did not file a reply.

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This is an action arising from a trustee's sale of the plaintiff's residence. Plaintiff asserts *inter alia* claims of breach of contract, breach of the duty of good faith and fair dealing, negligence, and promissory estoppel. The plaintiff now moves to remand this action to state court, contending that Wells Fargo's notice of removal fails to specify the grounds for removal. But the notice of removal clearly provides that removal is premised on diversity jurisdiction. See doc. 1, ¶ 6.

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Plaintiff also argues that removal is improper because the amount in controversy does not exceed the \$75,000 jurisdictional minimum. See 28 U.S.C. § 1332(a). Plaintiff asserts that her damage is the lost equity in her home, amounting to approximately \$50,000. Wells Fargo responds that plaintiff's residence sold at the trustee's sale for \$67,700, although the

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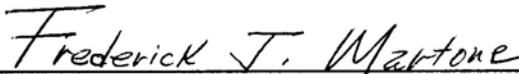
1 appraised value of the property was \$160,000. Therefore, plaintiff's "lost equity" would  
2 exceed the jurisdictional minimum. Moreover, Wells Fargo argues that plaintiff seeks  
3 punitive damages, which in combination with plaintiff's admitted damages of \$50,000, would  
4 also exceed the jurisdictional minimum. Plaintiff does not respond to these arguments.  
5 Failure to respond to arguments raised in dispositive motions "may be deemed a consent to  
6 the . . . granting of the motion." LRCiv 7.2(i).

7 We conclude that Wells Fargo has adequately demonstrated that the amount in  
8 controversy satisfies the jurisdictional requirement so as to establish removal based on  
9 diversity jurisdiction.

10 **IT IS ORDERED DENYING** plaintiff's motion to remand (doc. 12).

11 DATED this 3<sup>rd</sup> day of December, 2009.

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Frederick J. Martone  
United States District Judge