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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 08-7053-GHK (PLAx)

Date November 20, 2008

Title *Robert Dunwoody v. Sears, Roebuck and Co.*

Presiding: The Honorable

GEORGE H. KING, U.S. DISTRICT JUDGE

Beatrice Herrera

N/A

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

(none)

(none)

Proceedings: (In Chambers) Order Remanding Case to State Court

On November 3, 2008, we ordered Defendant Sears, Roebuck and Co. ("Defendant") to show cause why the above captioned case should not be remanded for lack of subject matter jurisdiction. Defendant responded to the OSC on November 14, 2008. In its response, Defendant admits that Plaintiff's complaint does not provide information sufficient to allow it to meet its burden to demonstrate the requirements for federal jurisdiction. Defendant further acknowledges that it is appropriate to remand this case to state court. Furthermore, Defendant failed to adequately respond to our OSC by providing information necessary for us to properly determine its corporate citizenship for purposes of establishing subject matter jurisdiction.

Based on Defendant's failure to respond adequately to our OSC, as well as its acknowledgment that remand is appropriate in this case, Defendant is **DEEMED** to have admitted that we lack subject matter jurisdiction over this case. Accordingly, this case is **REMANDED** to the state court from which it was removed. *See* 28 U.S.C. § 1447(c).

IT IS SO ORDERED.

Initials of Deputy Clerk

Bea