

JS-6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

## CIVIL MINUTES - GENERAL

Case No. CV 11-2530-RGK (FFMx) Date April 5, 2011

Title **BHAVNA ROHERA, et al v. RAYTHEON AIRCRAFT CO., et al**Present: The Honorable **R. GARY KLAUSNER, U.S. DISTRICT JUDGE**

Sharon L. Williams Not Reported

Deputy Clerk Court Reporter / Recorder

Attorneys Present for Plaintiffs: Attorneys Present for Defendants:

Not Present Not Present

**Proceedings: (IN CHAMBERS) Order Remanding Action to State Court**

On March 22, 2011, Bhavna Rohera, et al (“Plaintiffs”), filed suit against Raytheon Aircraft Co., et al (“Defendants”). In their Complaint, Plaintiffs assert state claims for wrongful death relating to an accident involving an aircraft.

On March 25, 2011, Defendant Teledyne Continental Motors, Inc. (“Teledyne”) removed the action to this Court alleging diversity of citizenship. Upon review of Teledyne’s Notice of Removal, the Court hereby remands the action for lack of subject matter jurisdiction.

Pursuant to 28 U.S.C. § 1332, district courts shall have original jurisdiction over any civil action in which the parties are citizens of different states and the action involves an amount in controversy that exceeds \$75,000. After a plaintiff files a case in state court, the defendant attempting to remove the case to federal court bears the burden of proving the amount in controversy requirement has been met.

*Lowdermilk v. United States Bank Nat'l Ass'n*, 479 F.3d 994, 998 (9th Cir. 2007). If the complaint does not allege the amount in controversy, the removing defendant must supply this jurisdictional fact in the Notice of Removal. *Gaus v. Miles, Inc.*, 980 F.2d 564, 566-567 (9th Cir. 1992). In its Notice of Removal, Teledyne states only that, because the action is one for wrongful death, it is facially apparent from the Complaint that Plaintiffs’ seek damages in excess of \$75,000. The Court finds this bare assertion, without even a scintilla of supporting fact, insufficient for satisfying its burden of proof. Therefore, the Court finds that Defendants have failed to make the requisite showing of federal jurisdiction, and **remands** the action to state court for all further proceedings.

**IT IS SO ORDERED.**

\*\*cc: Remand Order, docket sheet, letter of remand forwarded to Los Angeles County Superior Court (Case #BC457855). \_\_\_\_\_ : \_\_\_\_\_

Initials of Preparer slw