JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 11-06838-RGK (JCx)	Date	September 29, 2011
Title	*VOICE INTERNATIONAL INC v. SMITH 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 June 9, 2011, Voice International, Inc. and David Grober (collectively "Plaintiffs"), filed suit against Tom Smith and Steve Waterford (collectively "Defendants"). In their Complaint, Plaintiffs allege state law claims involving violation of trade secrets, tortious interference, breach of contract, breach of confidential relationship, and conversion.

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). Defendants have failed to make this requisite showing. Plaintiffs have not alleged an amount in controversy in their Complaint. Defendants attempt to argue that the amount in controversy will necessarily exceed $75,000 because of the type of damages Plaintiffs have sustained. Such arguments are not sufficient to establish jurisdiction based on diversity of citizenship.

In light of the foregoing, the Court hereby **remands** the action to state court for all further proceedings.

IT IS SO ORDERED.

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