

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 11-07430-RGK (FMOx)	Date	September 30, 2011
Title	<i>COTTAGE HEALTH SYSTEM v. TRAVELERS CASUALTY & SURETY CO.</i>		

Present: The Honorable	R. GARY KLAUSNER, U.S. DISTRICT JUDGE
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Sharon L. Williams
Deputy Clerk

Not Reported
Court Reporter / Recorder

Attorneys Present for Plaintiffs:
Not Present

Attorneys Present for Defendants:
Not Present

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

On August 5, 2011, Cottage Health System and Santa Barbara Cottage Hospital (“Plaintiffs”), filed suit against the Travelers Casualty and Surety Company of America (“Defendant”). In their Complaint, Plaintiffs asserts state claims for breach of contract and tortious interference.

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). Defendant has failed to make this requisite showing. In its notice of removal Defendant argues that Plaintiffs damages “more likely than not” exceed the jurisdictional threshold of \$75,000. Such assumptions may not serve as the basis for the amount in controversy requirement in order to satisfy 28 U.S.C. § 1332.

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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