

JS-6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 11-07702-RGK (CWx)	Date	September 30, 2011
Title	<i>SANCHEZ v. AMERICAN ACADEMY OF DRAMATIC ARTS</i>		

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 August 5, 2011, Susan Sanchez (“Plaintiff”), filed suit against the American Academy of Dramatic Arts (“Defendant”). In her Complaint, Plaintiff asserts state claims relating to her termination allegedly as a result of her request for disability accommodations.

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 must be above the jurisdictional amount based on a hypothetical trial date and the amount of back wages that will have accrued at that point. However, 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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