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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **CV 13-01672 DMG (RZx)** Date March 14, 2013

Title ***Sandra White v. Maxim Healthcare Services Inc.*** Page 1 of 1

Present: The Honorable **DOLLY M. GEE, UNITED STATES DISTRICT JUDGE**

VALENCIA VALLERY

Deputy Clerk

NOT REPORTED

Court Reporter

Attorneys Present for Plaintiff(s)
None Present

Attorneys Present for Defendant(s)
None Present

**Proceedings: IN CHAMBERS—ORDER TO SHOW CAUSE WHY THIS ACTION
SHOULD NOT BE REMANDED TO STATE COURT FOR UNTIMELY
REMOVAL**

On September 21, 2012, Plaintiff Sandra White filed a complaint in Los Angeles County Superior Court against Defendant Maxim Healthcare Services, Inc. raising causes of action under Cal. Gov't Code §§ 12940 and 12945.2. On March 8, 2013, Defendant removed the action to this Court, on the basis of diversity jurisdiction [Doc. # 1].

Under 28 U.S.C. § 1446(b), a case may be removed to federal court within 30 days of the pleading from which subject matter jurisdiction may be first ascertained. According to the complaint, Plaintiff is a California resident. (Compl. ¶ 1.) Defendant is a citizen of Maryland. (Notice of Removal ¶¶ 16-20.) Defendant claims that it was only able to ascertain Plaintiff's California citizenship after February 7, 2013, when it received a response to its request for admission. Defendant argues that because the complaint only stated Plaintiff's *residency* and not her *citizenship*, Defendant could not have known that Plaintiff was not a Maryland citizen, making her a diverse party.

The Court finds this rationale unpersuasive. Having alleged that Plaintiff is a resident of California, the complaint never implied that Plaintiff was anything other than a California citizen. Defendant could have readily drawn the inference of Plaintiff's citizenship outside of Maryland from the "four corners of the applicable pleading[]." *Harris v. Bankers Life & Cas. Co.*, 425 F.3d 689, 694 (9th Cir. 2005).

In light of the foregoing, the parties are hereby **ORDERED TO SHOW CAUSE** why this action should not be remanded to state court for untimely removal. The parties shall file their responses, if any, on or before **March 21, 2013**. Failure to file a timely response will result in the remand of this action to state court.

IT IS SO ORDERED.