

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 13-2610 CBM (CWx) Date October 15, 2013

Title *DaVinci Aircraft Inc v. King Precision Solutions LLC et al*

Present: The Honorable CONSUELO B. MARSHALL

Yolanda Skipper

n/a

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

n/a

n/a

Proceedings: IN CHAMBERS/OFF THE RECORD
ORDER TO SHOW CAUSE

The Court hereby ORDERS Plaintiff to show cause, in writing, why this Action should not be dismissed for lack of subject-matter jurisdiction.

Subject matter jurisdiction

Federal subject matter jurisdiction is satisfied by diversity or federal question jurisdiction. Under 28 U.S.C. § 1331, this Court has federal question jurisdiction for claims “arising under the Constitution, laws, or treaties of the United States.” Under 28 U.S.C. § 1332, this Court has diversity jurisdiction over matters in which all plaintiffs are of different citizenship than all defendants, and in which the amount in controversy exceeds \$75,000. Federal courts construe their diversity jurisdiction narrowly. *Gaus v. Miles*, 980 F.2d 564, 566 (9th Cir. 1992).

Plaintiffs assert that this Court has subject matter jurisdiction over the Action pursuant to diversity jurisdiction because there is complete diversity among the parties and because the amount in controversy exceeds \$75,000 exclusive of interest and costs. Plaintiffs have alleged facts to show that there is complete diversity. Plaintiffs assert that the amount in controversy is \$300,000, but Plaintiff does not indicate how much it actually paid for the device. Though there is an eBay advertisement that alleges a “Buy It Now” price of \$2,550.00, Plaintiff does not state how much it actually paid for the item that is in dispute. (Complaint ¶¶ 27, 38). Further, though Plaintiff alleges that it was damaged in the amount of \$300,000, there is no indication that the amount in controversy ought to be gauged by the amount the nosecone was allegedly valued rather than how much Plaintiff paid for it. *Cf Gaspar v. Wachovia Bank*, C 10-3597 SBA, 2010 WL 4314884, *1, *3 (N.D. Cal. Oct. 26, 2010).

No oral argument on this matter will be heard unless otherwise ordered by the Court. See Fed. R. Civ. P. 78; Local Rule 7-15. Plaintiff is Ordered to provide in writing by October 18, 2013 the

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factual and legal basis for satisfying subject matter jurisdiction. The Order will stand submitted upon the filing of the response. Failure to respond to this Order on or before October 18, 2013 will result in the dismissal of this action, without prejudice.

IT IS SO ORDERED.

Initials of Preparer 00 : 00
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