

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 13-03863-CAS (JCx)	Date	June 25, 2013
Title	NBG PROPERTIES, LLC V. ALFRED DISTEFANO, ET AL.		

Present: The Honorable	CHRISTINA A. SNYDER		
Catherine Jeang	Not Present	N/A	
Deputy Clerk	Court Reporter / Recorder	Tape No.	
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants		
Not present	Not present		

Proceedings: (In Chambers:) ORDER TO SHOW CAUSE WHY THIS CASE SHOULD NOT BE REMANDED

I. INTRODUCTION

On April 25, 2013, plaintiff NGB Properties, LLC, filed an unlawful detainer action in the Los Angeles County Superior Court against defendants Alfred and Daryl Distefano.

On May 30, 2013, defendants filed a notice of removal to this court pursuant to 28 U.S.C. § 1446. Defendants contend that this court has diversity jurisdiction. 28 U.S.C. § 1332. Also, defendants argue there is federal question jurisdiction since this case implicates federal bankruptcy laws under 28 U.S.C. § 157(b)(2) as well as due process concerns under the Fourteenth Amendment of the Constitution of the United States.

II. ANALYSIS

After reviewing defendants’ notice of removal, the Court finds that it appears to lack jurisdiction over the instant case. First, the Court appears to lack jurisdiction based on diversity of citizenship. See 28 U.S.C. § 1332. Plaintiff alleges in its complaint that it is a limited liability company organized pursuant to California law. Defendants offer no evidence to the contrary, and maintain that they too are California residents. Moreover, the amount in controversy does not appear to exceed the jurisdictional minimum of \$75,000. 28 U.S.C. § 1332(a). In unlawful detainer actions, the title to the property is not at issue—only the right to possession. See Evans v. Superior Court, 67 Cal. App. 3d 162, 170 (1977). As such, the amount in controversy is determined by the amount of damages sought in the complaint, rather than the value of the subject real property. Id.

