

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MEMORANDUM

JS-6

Case No. CV 13-5709 DSF (AJWx)

Date 8/14/13

Title Patricia Slater, et al. v. GC Services

Present: The
Honorable

DALE S. FISCHER, United States District Judge

Debra Plato

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (In Chambers) Order REMANDING Case to State Court

This case was removed from state court based on diversity jurisdiction. However, Defendant has failed to establish diversity or that the amount in controversy exceeds \$75,000. Defendant states that it is a limited partnership and that none of its partners are incorporated in or have a principal place of business in California. But the Court isn't told the number or nature of the partners. It is left to assume that all of the partners are corporations, but there is no real basis for that assumption. Defendant also has not established that the amount in controversy exceeds \$75,000. Plaintiffs explicitly seek \$30,000 plus \$5,000 for each additional call that was recorded. Defendant cites a statement in the complaint that Defendant is alleged to have recorded thousands of calls. But this is not a class action. It is clear that the thousands of calls reference does not just refer to Plaintiffs' calls and there is no basis to believe that Plaintiffs seek to recover for those calls or any specific number of calls beyond the six calls listed in the complaint.

The case is REMANDED to the Superior Court of California for the County of Los Angeles.

IT IS SO ORDERED.