

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES—GENERAL

Case No. CV-13-7648-MWF (VBKx)

Date: February 19, 2014

Title: Darryl Lee -v- CarMax Auto Superstores California, LLC, et al.

4500893, at *3. Defendant, as the party seeking to invoke this Court's jurisdiction, bears the burden of showing by a preponderance of the evidence that its principal place of business is not in California. *See Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992).

As to the amount in controversy at the time of removal, Plaintiff sought actual damages in the amount of \$40,000, punitive damages in the amount of \$34,000, attorneys' fees as allowed by law, and injunctive relief. (Notice of Removal at 4-5). The Court notes, however, that the total amount of sale of Plaintiff's vehicle was only \$18,296.27. Defendant bears the burden of showing that more than \$75,000 is in controversy.

Accordingly, the Court **ORDERS DEFENDANT TO SHOW CAUSE**, in writing, by no later than **March 10, 2014**, why this action should not be remanded for lack of subject matter jurisdiction. Plaintiff may submit a written response on or before **March 17, 2014**.

The Court sets a hearing on this matter for **March 24, 2014, at 10:00 A.M.** The Court **CONTINUES** the hearing on the Motion to Dismiss and Motion to Strike (Docket Nos. 14-15), presently set for a hearing on February 24, 2014, to **March 24, 2014, at 10:00 A.M.**

IT IS SO ORDERED.