

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV13-8756-RGK (FFMx)	Date	January 7, 2014
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Title	<i>KRISTI BAKKEN v. HARTFORD INSURANCE COMPANY</i>
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Present: The Honorable	R. GARY KLAUSNER, U.S. DISTRICT JUDGE
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Sharon L. Williams (Not Present)	Not Reported
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Deputy Clerk	Court Reporter / Recorder
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Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:
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Not Present	Not Present
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Proceedings: (IN CHAMBERS) Order Remanding Action to State Court

On May 17, 2013, Kristi Bakken (“Plaintiff”) filed a complaint against Hartford Insurance Company (“Defendant”) alleging claims for 1) Breach of Contract; and (2) Breach of Implied Covenant of Good Faith and Fair Dealing.

On November 26, 2013, Defendant removed the action to this Court alleging jurisdiction on the grounds of diversity of citizenship. Upon review of Defendant’s Notice of Removal, the Court hereby remands the action for lack of subject matter jurisdiction.

Pursuant to 28 U.S.C. § 1332, district courts shall have original jurisdiction over any civil action in which the parties are citizens of different states and the action involves an amount in controversy that exceeds \$75,000. After a plaintiff files a case in state court, the defendant attempting to remove the case to federal court bears the burden of proving the amount in controversy requirement has been met. *Lowdermilk v. United States Bank Nat’l Ass’n*, 479 F.3d 994, 998 (9th Cir. 2007). If the complaint does not allege that the amount in controversy has been met, the removing defendant must supply this jurisdictional fact in the Notice of Removal by a preponderance of the evidence. *Gaus v. Miles, Inc.*, 980 F.2d 564, 566-567 (9th Cir. 1992).

In her Complaint, Plaintiff prays for damages arising out of an automobile accident with a motorist that maintained automobile liability coverage of only \$15,000 and medical expense coverage of only \$10,000. Plaintiff also seeks attorneys’ fees, prejudgment interest, and punitive damages. Because Plaintiff’s complaint does not allege an ascertainable amount in controversy, Defendant must show the minimum jurisdictional amount by a preponderance of the evidence. In its Notice of Removal, Defendant states only generally that the matter in controversy exceeds \$75,000. This general statement fails to satisfy Defendant’s burden of showing the requisite jurisdictional amount in controversy.

In light of the foregoing, the action is hereby **remanded** to state court for all further proceedings.

IT IS SO ORDERED.

Initials of Preparer _____ : _____
