

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

<b>Case No.</b>	<b>CV 14-1570 FMO (FFMx)</b>	<b>Date</b>	<b>March 25, 2014</b>
<b>Title</b>	<b>Lazar Djokic, <u>et al.</u> v. Capital One Bank U.S.A., N.A.</b>		

<b>Present: The Honorable</b>			<b>Fernando M. Olguin, United States District Judge</b>
<b>Vanessa Figueroa</b>	<b>None</b>	<b>None</b>	
Deputy Clerk	Court Reporter / Recorder	Tape No.	
<b>Attorney Present for Plaintiff(s):</b>		<b>Attorney Present for Defendant(s):</b>	
None Present		None Present	

**Proceedings: (In Chambers) Order to Show Cause Re: Dismissal**

On March 3, 2014, plaintiff filed a Complaint in this court. However, the jurisdictional allegations appear to be defective for the following reasons:

(1) Jurisdiction is asserted on the basis of diversity jurisdiction pursuant to 28 U.S.C. § 1332. The defendant is a corporation. The complaint is deficient because it does not state both defendant's state of incorporation and principal place of business. See 28 U.S.C. § 1332(c).

(2) Jurisdiction is asserted on the basis of diversity jurisdiction pursuant to 28 U.S.C. § 1332(a) and the action is a class action. The pleadings do not sufficiently allege that the named plaintiff has a claim exceeding \$75,000, as the amount of damages that plaintiff seeks is unclear from the Complaint. Where the action does not implicate a common fund or a joint interest, at least one of the named plaintiffs must meet the amount in controversy requirement. See Exxon Mobil Corp. v. Allapattah Servs., Inc., 545 U.S. 546, 559, 125 S.Ct. 2611, 2621 (2005) (a district court that has jurisdiction over a single claim in a complaint has jurisdiction over the entire action).

Accordingly, IT IS ORDERED that:

1. No later than **April 1, 2014**, plaintiff shall show cause in writing why this action should not be dismissed for the reasons noted above. The filing of a First Amended Complaint setting forth sufficient jurisdictional allegations shall be a sufficient response to the OSC. Failure to submit a response by the deadline set forth above may be deemed as consent to the dismissal of the action without prejudice. Defendants may submit a response in the same time period.

2. A copy of all papers filed with the court shall be delivered to the drop box outside chambers at Suite 520, Spring Street Courthouse, 312 North Spring Street, **no later than 12:00 noon the following business day**. All chambers copies shall comply fully with the document formatting requirements of Local Rule 11-3, including the "backing" requirements of Local Rule

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11-3.5. Counsel may be subject to sanctions for failure to deliver a mandatory chambers copy in full compliance with this Order and Local Rule 11-3.

Initials of Preparer 00 : 00  
vdr