

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MEMORANDUM

Case No. CV 14-8901 DSF (AJWx)

Date 1/21/15

Title Elba Mendizabal v. Crothall Healthcare Inc.

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 DENYING Motion to Remand (Dkt. No. 16)

Plaintiff has moved to remand this case. The Court deems this matter appropriate for decision without oral argument. See Fed. R. Civ. P. 78; Local Rule 7-15. The hearing set for January 26, 2015 is removed from the Court's calendar.

There is no question that the amount in controversy exceeds \$5,000,000. Defendant has submitted a declaration that states that at least 47,745 pay statements were issued to non-exempt employees during the class period. (Pasquarello Decl. ¶ 8.) From this piece of information, an amount in controversy can be calculated that exceeds \$5,000,000, as Defendant has done in the Notice of Removal and its opposition to this motion. Defendant's position is not speculative. Plaintiff provides no reason to believe that the pay statements differ in any way relevant to this case other than to raise the possibility of minor exceptions – such as statements issued for bonuses – that would not plausibly make any substantial difference to the amount in controversy calculation. Cf. Ibarra v. Manheim Invs., Inc., 2014 WL 7495131, *4 (9th Cir. Jan. 8, 2015) (assumption that employees were always prevented from taking meal and rest breaks unduly speculative). Unlike the taking of meal and rest breaks, it is perfectly plausible to assume that a wage statement issued by a company either always contains or never contains certain kinds of information unless the Court is presented evidence to the contrary. Much of Plaintiff's motion and reply are attempts to contradict Plaintiff's own allegations such as the allegation that the class members were injured by the incomplete or inaccurate wage statements and the allegation that the class members are similarly situated and their

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cases can be adjudicated with common proof.

The motion to remand is DENIED. The Court sees no reason under Ibarra to grant preliminary jurisdictional discovery on the issues presented as such discovery is highly unlikely to change the outcome of the remand motion.

IT IS SO ORDERED.