

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**MEMORANDUM**

Case No. CV 15-2853 DSF (SSx)

Date 5/27/15

Title Caesar Ruiz v. Towne Air Freight, 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 Plaintiff's Motion to Remand (Dkt. No. 15)

Defendant TAF, LLC (f/k/a Towne Air Freight, Inc.) removed this case based on CAFA jurisdiction. Plaintiff moves to remand. 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 June 1, 2015 is removed from the Court's calendar.

Defendant has established that it is a citizen of Tennessee. Plaintiff's contention that testimony from an officer of the Defendant LLC is insufficient to prove Defendant's organizational structure is incorrect. Plaintiff also fails to provide any evidence that would contradict the testimony provided by Defendant.

Defendant has also established that the amount in controversy exceeds \$5,000,000. Most of Defendant's calculations assume a violation rate of once per pay period. This is reasonable, especially given the vague and broad allegations in the complaint. The only portion of Defendant's calculation that the Court finds suspect is Defendant's assumption that each class member missed a meal period and a break period every single day. But even if meal and rest breaks were missed, on average, only every fourth day – a conservative assumption given the allegations – the total amount in controversy for the entire case would still exceed \$5,000,000, especially if the cost of injunctive relief were considered.

The motion to remand is DENIED.

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IT IS SO ORDERED.