

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

JS-6 'O'

Case No. 2:15-cv-03122-CAS(SSx) Date June 29, 2015

Title ROLAND LIDNER, ET AL. V. ANGELA WALLACE, ET AL.

Present: The Honorable CHRISTINA A. SNYDER

Catherine Jeang

Not Present

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: **(In Chambers) ORDER REMANDING ACTION TO THE LOS ANGELES COUNTY SUPERIOR COURT**

On November 7, 2014, plaintiffs Ronald Lidner and Marina Lidner filed an unlawful detainer action in the Los Angeles County Superior Court against defendants Angela Wallace, Tai Phillips, and Does 1 through 10. Dkt. 1. On April 27, 2015, defendant Phillips removed the action to this Court on the basis of purported federal question and diversity jurisdiction. Id.

In the removal notice, defendant argued that this action arises under federal law because it involves “procedural due process rights guaranteed unde[r] the Fourteenth Amendment of the United States Constitution, and the atypical and significant hardship standard of rules of the United States Supreme Court.” Id. at 4. Defendant also appeared to assert that unspecified federal law governing the “construction of the Pooling and Servicing Agreement of PLAINTIFF U.S. Bank,” a non-party, gave rise to federal question jurisdiction. Id. Defendant further contended that diversity jurisdiction exists because “plaintiff and defendants are citizens of different states.” Id. at 9.

On June 10, 2015, the Court issued an order to show cause, explaining that both diversity and federal question jurisdiction appeared to be lacking. Dkt. 6. With regard to federal question jurisdiction, the Court explained that the existence of such jurisdiction is governed by the “well-pleaded complaint rule,” Caterpillar Inc. v. Williams, 482 U.S. 386, 392 (1987), which requires that the federal question “be disclosed upon the face of the complaint, unaided by the answer,” Gully v. First Nat’l Bank in Meridian, 299 U.S. 109, 113 (1936). See also Franchise Tax Bd. v. Const. Laborers Vacation Trust for S. Cal., 463 U.S. 1, 13 (1983) (explaining that federal jurisdiction may not be based on an anticipated defense created by federal law). The Court noted that plaintiff’s complaint

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contains a single cause of action for unlawful detainer, and does not present a federal question.

As to diversity, the Court observed that plaintiff's complaint limits the amount in controversy to \$10,000, well below the \$75,000 threshold required to establish diversity jurisdiction. 28 U.S.C. § 1332(a)(1); see also Litton Loan Serv., L.P. v. Villegas, No. C 10-05478 PJH, 2011 WL 204322, at *2 (N.D. Cal. Jan. 21, 2011) (“[T]he amount of damages sought in the [unlawful detainer] complaint, not the value of the subject real property, determines the amount in controversy.”). Thus, even assuming the existence of complete diversity of the parties, the Court explained that diversity jurisdiction is nonetheless lacking since the amount in controversy requirement is not satisfied.

The June 10, 2015 order to show cause directed defendant to demonstrate why the Court has subject matter jurisdiction over this action no later than June 25, 2015. As of this date, defendant has not filed a response. Therefore, for the reasons set forth in the Court's June 10, 2015 order, this action is hereby **REMANDED** to the Los Angeles County Superior Court. See 28 U.S.C. § 1447(c) (“If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.”).

IT IS SO ORDERED.

Initials of Preparer 00 : 00
CMJ