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8   UNITED STATES DISTRICT COURT

9   CENTRAL DISTRICT OF CALIFORNIA

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11 REGIS HOLLINSWORTH, an   ) Case No. CV 15-04095 DDP (PJWx)
    individual,   )
12   )
                    Plaintiff,   )
13   ) **ORDER TO SHOW CAUSE RE: AMOUNT IN**
         v.   ) **CONTROVERSY**
14   )
    GENESIS LOGISTICS, INC., a   )
15 Delaware corporation,   )
)
16   Defendant.   )
    _____   )
17

18   The parties are ordered to show cause why this action should

19 not be dismissed for lack of subject matter jurisdiction.

20   District courts have diversity jurisdiction over all civil

21 suits where the amount in controversy "exceeds the sum or value of

22 $75,000, exclusive of interest and costs, and is between citizens

23 of different States." 28 U.S.C. § 1332(a). "If the court

24 determines at any time that it lacks subject-matter jurisdiction,

25 the court must dismiss the action." Fed. R. Civ. P. 12(h)(3).

26   Here, Plaintiff's Complaint alleges that the amount sought

27 "well exceeds $75,000." (Complaint ¶ 7.) The Complaint does not

28 allege what Plaintiff's salary or rate of pay was, nor how long he

worked as a misclassified employee. While the amount in controversy is generally determined from the face of pleadings, such is only the case where the claim is made in good faith. <u>See</u> <u>Crum v. Circus Circus Enters.</u>, 231 F.3d 1129, 1131 (9th Cir. 2000). The court has some doubt whether this is the case here, and whether it can be determined to a legal certainty that Plaintiff's claim is really for less than the jurisdictional amount.

Accordingly, the parties are each ordered to file a brief, not to exceed five pages, within ten days of the date of this Order, showing why this action should not be dismissed for lack of subject matter jurisdiction. The parties shall also deliver a courtesy copy to chambers, Room 244-J, Second Floor, 312 N. Spring Street, Los Angeles. Plaintiff's failure to file a brief in accordance with this Order will be deemed consent to dismissal of this action.

IT IS SO ORDERED.

Dated: September 24, 2015

DEAN D. PREGERSON
United States District Judge

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