

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 15-9796 FMO (GJSx)	Date	January 5, 2016
Title	Joseph Urbanczyk v. Wilson Sporting Goods <u>et al.</u>		

Present: The Honorable	Fernando M. Olguin, United States District Judge		
Cheryl Wynn	None		
Relief Deputy Clerk	Court Reporter / Recorder	Tape No.	
Attorney Present for Plaintiff(s):	Attorney Present for Defendant(s):		
None Present	None Present		

Proceedings: (In Chambers) Order to Show Cause Re: Remand

Jurisdiction in this case is asserted on the basis of the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1332(d). (See Notice of Removal (“NOR”) at 1). “CAFA provides expanded original diversity jurisdiction for class actions meeting the amount in controversy and minimal diversity and numerosity requirements set forth in 28 U.S.C. § 1332(d)(2).” United Steel, Paper & Forestry, Rubber, Mfg., Energy, Allied Indus. & Serv. Workers Int’l Union, AFL-CIO, CLC v. Shell Oil Co., 602 F.3d 1087, 1090-91 (9th Cir. 2010). Under that provision, “district courts shall have original jurisdiction of any civil action in which the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs, and is a class action in which . . . any member of a class of plaintiffs is a citizen of a State different from any defendant[.]” 28 U.S.C. § 1332(d)(2).

Having reviewed the NOR, the court questions whether the claims of the individual class members exceed \$5,000,000 in the aggregate. See 28 U.S.C. § 1332(d)(2); Dart Cherokee Basin Operating Co., LLC v. Owens, 135 S.Ct. 547, 554 (2014) (“Evidence establishing the amount is required . . . when the plaintiff contests, or the court questions, the defendant’s allegation.”). Here, defendant merely asserts that each of plaintiff’s claims has “substantial value” and that “each of [them] alone could satisfy CAFA’s amount in controversy requirement.” (See NOR at 3; see also id. at 4 (“the amount in controversy exceeds the sum or value of \$5,000,000.”)). However, defendant has not provided any information concerning the number of class members, the value of the products at issue, or any other relevant facts that would assist the court in evaluating its jurisdiction.

Accordingly, IT IS ORDERED that:

1. No later than **January 12, 2016**, defendant shall show cause in writing why this action should not be remanded for the reasons noted above. This deadline shall not extend the time for responding to any motion for remand filed by plaintiffs. **Failure to respond to the OSC by the deadline set forth above shall be deemed as consent to the remand of the action to state court.**

