

UNITED STATES DISTRICT COURT **JS-6 / REMAND**
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **CV 16-7924 DMG (AFMx)** Date November 23, 2016

Title ***Rosa Medellin v. Wal-Mart Stores, Inc., et al.*** Page 1 of 1

Present: The Honorable **DOLLY M. GEE, UNITED STATES DISTRICT JUDGE**

KANE TIEN

Deputy Clerk

NOT REPORTED

Court Reporter

Attorneys Present for Plaintiff(s)
None Present

Attorneys Present for Defendant(s)
None Present

**Proceedings: IN CHAMBERS - ORDER TO SHOW CAUSE WHY THIS ACTION
SHOULD NOT BE REMANDED TO STATE COURT**

On November 2, 2016, the Court issued an Order to Show Cause (“OSC”) why this action should not be remanded to state court for untimely removal. [Doc. # 11.] Specifically, Defendant Wal-Mart Stores, Inc. appears to have missed the 30-day window for removal under 28 U.S.C. section 1446(b). OSC at 1 (Wal-Mart served on May 5, 2016).

In response, Wal-Mart argues that it did not “become evident” that it could remove the case until Plaintiff’s counsel failed to respond by October 7, 2016 to its request to have Plaintiff stipulate to the amount in controversy being less than \$75,000. Def. Resp. at 3-4. This contention is belied by Wal-Mart’s notice of removal, which states that “it is ‘facially apparent’ from the complaint that the amount in controversy ‘more likely than not’ exceeds the jurisdictional minimum.” Removal Notice ¶¶ 7-8, 11. Wal-Mart in its OSC response glosses over such prior assertions.

Because Wal-Mart fails to sufficiently justify the substantial delay in removal, and given the strong presumption against removal jurisdiction, the Court **REMANDS** this action to the Los Angeles County Superior Court. All scheduled dates and deadlines are **VACATED**.

IT IS SO ORDERED.