

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**MEMORANDUM**

JS 6

Case No. CV 16-9503 DSF (SKx)

Date 1/12/17

Title Bill Haviland v. Alcatel-Lucent USA, Inc., et al.

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 REMANDING Case to State Court

This case was removed on the basis of diversity jurisdiction. It is undisputed that Defendants Nokia USA, Inc. and Pacific Bell Telephone Company are not diverse from Plaintiff. The removing defendants claim that Nokia and Pacific Bell are fraudulently joined because they are not successors in interest to the entities that Plaintiff identifies. Pacific Bell is additionally alleged to be fraudulently joined because Plaintiff is limited to the worker's compensation system for compensation from harms caused by his employer while he was on the job. Defendants have not demonstrated that Nokia is fraudulently joined. The argument for fraudulent joinder is entirely premised on factually and legally conclusory assertions from a paralegal. Notice of Removal, Ex. A. The basis for these assertions is "personal knowledge," "discussions with other Nokia USA Inc. personnel with such knowledge," and a review of unspecified "corporate and business records." This is insufficient to overcome the general presumption that the allegations in the complaint should be taken as true.

The case is REMANDED to the Superior Court of California, County of Los Angeles. The Court expresses no opinion whether Pacific Bell Telephone Company was fraudulently joined.

IT IS SO ORDERED.