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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**CIVIL MINUTES – GENERAL**

Case No.	<b>CV 17-01826 BRO (PJWx)</b>	Date	March 29, 2017
Title	<b>STEPHANIE ESCOBAR V. JUST BORN, INC. ET AL.</b>		

Present: The Honorable	<b>BEVERLY REID O’CONNELL, United States District Judge</b>		
Renee Fisher	Not Present		N/A
Courtroom Deputy Clerk	Court Reporter		Tape No.
Attorneys Present for Defendants:			
Attorneys Present for Plaintiffs:			
	Not Present		Not Present
<b>Proceedings:</b>	(IN CHAMBERS)		

### ORDER TO SHOW CAUSE RE: SUBJECT MATTER JURISDICTION

A federal court must determine that subject matter jurisdiction exists even where the parties do not raise the issue. *Rains v. Criterion Sys., Inc.*, 80 F.3d 339, 342 (9th Cir. 1996). Because federal courts are of limited jurisdiction, they possess original jurisdiction only as authorized by the Constitution and federal statutes. *See Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). The Court’s “original jurisdiction” may be established pursuant to 28 U.S.C. § 1332(d) if: (1) the “number of members of all proposed plaintiff classes in the aggregate” exceeds 100, (2) the aggregate amount in controversy exceeds \$5,000,000, and (3) any class member is a citizen of a state different from any defendant. 28 U.S.C. § 1332(d).

Just Born, Inc. (“Defendant”) argues in its Removal: “Plaintiff [Stephanie Escobar] does not plead a specific amount of damages, the aggregate amount-in-controversy here easily exceeds \$5,000,000.” (Dkt. No. 1 (“Removal”) at 5, ¶ 18.) And Defendant explains that: (1) “Plaintiff allegedly paid approximately \$4.00 for Just Born’s product,” (Removal ¶ 18 (citing Compl. ¶ 21)); (2) “the putative class here includes ‘hundreds of thousands’ of members,” (*id.* (citing Compl. ¶ 73)); and, (3) “a conservative estimation would place the amount in controversy at \$8 million (i.e., \$4 \* 200,000 members \* 10 purchases (two for each of the five years)),” (*id.* (citing Compl. ¶ 8)).

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The Court is unable to determine, based on Defendant’s Removal, whether the aggregate amount in controversy exceeds \$5,000,000. The Court therefore **ORDERS** Defendant to show cause as to why this case should not be remanded for lack of subject matter jurisdiction, specifically in regard to the amount in controversy. Defendant must respond by **April 4, 2017 by 4:00 p.m.** A satisfactory response to this Order will include reasons for the assumptions underlying Defendant’s calculation that each putative class member purchased two of the subject products, per year, for five years.

**IT IS SO ORDERED.**

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Initials of Preparer	_____ rf _____