

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV17-02546-RGK (JCx) Date April 5, 2017

Title ***RUTH GAMBOA v. ACCESS GENERAL INSURANCE AGENCY OF CALIFORNIA, LLC, et al***

Present: The Honorable R. GARY KLAUSNER, U.S. DISTRICT JUDGE

Sharon L. Williams

Not Reported

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS) Order Remanding Action to State Court

On February 22, 2017, Ruth Gamboa (“Plaintiff”) filed a complaint against Access General Insurance Agency of California, LLC, et al (“Defendants”) alleging claims of discrimination, retaliation, and other violations of the California Government Code §§ 12940, et. seq.

On April 3, 2017, Defendants removed the action to this Court alleging jurisdiction on the grounds of diversity of citizenship. Upon review of Defendants’ Notice of Removal, the Court hereby remands the action for lack of subject matter jurisdiction.

Pursuant to 28 U.S.C. § 1332, district courts shall have original jurisdiction over any civil action in which the parties are citizens of different states and the action involves an amount in controversy that exceeds \$75,000. After a plaintiff files a case in state court, the defendant attempting to remove the case to federal court bears the burden of proving the amount in controversy requirement has been met. *Lowdermilk v. United States Bank Nat’l Ass’n*, 479 F.3d 994, 998 (9th Cir. 2007). If the complaint does not allege that the amount in controversy has been met, the removing defendant must supply this jurisdictional fact in the Notice of Removal by a preponderance of the evidence. *Gaus v. Miles, Inc.*, 980 F.2d 564, 566-567 (9th Cir. 1992).

In her complaint, Plaintiff seeks general damages for lost wages, special damages for lost future earnings, punitive and exemplary damages, and reasonable attorney’s fees. In support of their removal of the action, Defendants reason that in cases alleging discrimination and wrongful termination, each of emotional distress damages, punitive damages, and attorney’s fees, by themselves, often exceed \$75,000. However, Defendants rely only on speculation. Accordingly, the Court finds that Defendants have failed to satisfy its burden of showing by a preponderance of the evidence, that the amount in controversy meets the jurisdictional requirement.

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In light of the foregoing, the action is hereby **remanded** to state court for all further proceedings.

IT IS SO ORDERED.

Initials of Preparer _____ : _____
