

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV17-04487-RGK (AGR _x)	Date	July 26, 2017
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Title	<i>Lori Kovacic-Engelking v. Alaska Airlines, Inc., et al</i>
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Present: The Honorable	R. GARY KLAUSNER, U.S. DISTRICT JUDGE
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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 May 5, 2017, Lori Kovacic-Engelking (“Plaintiff”) filed a complaint against Alaska Airlines, Inc. (“Defendant”) alleging claims of discrimination, failure to accommodate, retaliation, wrongful termination, and other violations of the California Government Code §§ 12940, et. seq.

On June 16, 2017, Defendant removed the action to this Court alleging jurisdiction on the grounds of diversity of citizenship. Upon review of Defendant’s 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 actual, consequential, and incidental damages for lost earnings and benefits, general and special damages, punitive and exemplary damages, and reasonable attorney’s fees. In support of its removal, Defendant sets forth Plaintiff’s most recent yearly salary of \$50,301.40, and reasons that by the time the case goes through trial, the amount of lost earnings alone, could exceed \$100,000. Defendant also states that in cases such as this, where the plaintiff has alleged emotional distress damages, punitive damages, and attorney’s fees, other courts have found that the amount in controversy more likely exceeds \$75,000. However, Defendant primarily relies on speculation. Accordingly, the Court finds that Defendant has 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 _____ : _____
