

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JS6

CIVIL MINUTES - GENERAL

Case No. 2:24-cv-02770-RGK-AJR

Date May 9, 2024

Title ***EILBRA KHANGALDIAN v. WAL-MART ASSOCIATES, et al***

Present: The Honorable R. GARY KLAUSNER, UNITED STATES DISTRICT JUDGE

Joseph Remigio (not present)

Not Reported

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

Not Present

Not Present

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

On March 7, 2024, Eilbra Khangaldian (“Plaintiff”) filed a Complaint against Wal-Mart Associates, et al (“Defendants”), alleging claims for wrongful termination and violations of state employment-related statutes. On April 5, 2024, Defendants removed the action to this Court on the basis of diversity jurisdiction. On April 16, 2024, the Court issued an OSC re Amount in Controversy, and ordered Defendant to show by a preponderance of the evidence that the \$75,000 amount in controversy requirement has been met. On April 22, 2024, Defendant filed a Brief, responding to the OSC. Upon review of Defendant’s Brief, the Court finds that Defendant has failed satisfy its burden of showing the requisite jurisdictional amount. Specifically, Defendant sets forth Plaintiff’s hourly wage of \$19.19, and calculates back pay of at least \$23,795.60 as a starting point. However, Defendant’s calculation relies on the *assumption* that Plaintiff worked at least 40 hours a week. Defendant, which undoubtedly possesses such information (as demonstrated by its Exhibit A), need not make such assumptions. Defendant has failed to provide any evidence as to the number of hours Plaintiff worked while employed by Wal-Mart, yet uses full-time back pay as the foundation for its jurisdictional calculation. In light of this glaring deficiency, the Court finds that Defendant has failed to show by a preponderance of the evidence that the jurisdictional requirements are satisfied.

In light of the foregoing, the Court remands this action in its entirety to state court.

**IT IS SO ORDERED.**

cc: LASC, 24STCV05699

Initials of Preparer

JRE/vc