

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	EDCV11-00425-RGK (DTBx)	Date	April 4, 2011
Title	<i>RAMON PATTUGALAN et al v. AURORA LOAN SERVICES, LLC. et al</i>		

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 January 3, 2011, Ramon and Editha Pattugalan (“Plaintiffs”), filed suit against Aurora Loan Services, LLC, Cal Western Reconveyance Corp.(“Cal Western”), and Lehman Brothers Bank FSB.. In their Complaint, Plaintiffs assert state claims relating to the loan for, and subsequent foreclosure of, their home.

On February 14, 2011, Cal Western filed a declaration of non-monetary status pursuant to California Civil Code § 2924l. Plaintiffs never objected to this declaration. Therefore, on March 10, 2011, Aurora Loan Services, LLC and Lehman Brothers Bank, FSB (“Defendants”) removed the action to this Court alleging 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 the amount in controversy, the removing defendant must supply this jurisdictional fact in the Notice of Removal. *Gaus v. Miles, Inc.*, 980 F.2d 564, 566-567 (9th Cir. 1992). Defendant has failed to make this requisite showing. Moreover, as to diversity of citizenship, Defendant has not provided sufficient legal authority as to why Cal Western Reconveyance should not be considered a party to the action for jurisdictional purposes, particularly in light of the fact that Cal Western will be bound by any court order relating to the action or proceeding.

