

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **EDCV 13-01168-JGB (SPx)** Date January 2, 2014

Title ***Manuel Avila, et al. v. Pizza Hut of Southeast Kansas, Inc., et al.***

Present: The Honorable **JESUS G. BERNAL, UNITED STATES DISTRICT JUDGE**

MAYNOR GALVEZ

Deputy Clerk

Not Reported

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

Proceedings: ORDER To Show Cause re: Subject Matter Jurisdiction (IN CHAMBERS)

On December 13, 2013, the Court remanded the related action in O'Brien v. Pizza Hut of Southeast Kansas, Inc., Case No. 5:13-cv-1602-JGB-SP, Doc. No. 37 (C.D. Cal Dec. 13, 2013), finding that Defendant failed to establish its burden of demonstrating by a preponderance of the evidence that the jurisdictional amount in controversy exceeded \$5,000,000, as required by the Class Action Fairness Act. Defendant admits that this action is related to O'Brien and covers a similar class of employees, over a similar time period, and based on “virtually identical” causes of action. (Doc. No. 6.) Moreover, Defendant admits that “since the Avila and O'Brien actions allege virtually identical claims . . . if ‘heard by different judges’ the litigation of such cases would necessarily ‘entail substantial duplication of [judicial] labor.’” (Id. at 3) Due to the Court’s remand of the O'Brien action and Defendant’s recognition in the duplication of discovery and judicial resources, the Court ORDERS Defendant to show cause in writing no later than **January 13, 2014** why this action should not be dismissed for lack of subject matter jurisdiction and remanded to state court for consideration with O'Brien.

IT IS SO ORDERED.