

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**MEMORANDUM**

Case No. EDCV 16-138 DSF (KKx)

Date 3/15/16

Title Albert Torres v. James Hardie Building Products, Inc.

Present: The  
Honorable

DALE S. FISCHER, United States District Judge

Debra Plato

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**Proceedings:** (In Chambers) Order DENYING Motion to Remand; Order DENYING Motion to Dismiss (Dkt. Nos. 8, 12, 16)<sup>1</sup>

The motion for remand is DENIED. While the amount in the notice of removal is close to the \$5,000,000 CAFA threshold, Defendant's calculations are reasonable, if not conservative, and they are based on competent evidence. Defendant has demonstrated by a preponderance of the evidence that the amount in controversy is over the jurisdictional limit.

The motion to dismiss is DENIED. Plaintiff has provided a short and plain statement that recites the acts at issue. That is all that is required.

IT IS SO ORDERED.

<sup>1</sup> The Court deems this matter appropriate for decision without oral argument. See Fed. R. Civ. P. 78; Local Rule 7-15. The hearing set for March 21, 2016 is removed from the Court's calendar.