

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JS-6

CIVIL MINUTES -- GENERAL

Case No. EDCV-17-967-R

Date: JUNE 8, 2017

Title: KRIS KENNY -V.- WAL-MART STORES, INC. et al.

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PRESENT: HONORABLE MANUEL L. REAL, JUDGE

Christine Chung
Courtroom Deputy

None Present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

ATTORNEYS PRESENT FOR DEFENDANTS:

None

None

PROCEEDINGS: MINUTE ORDER (IN CHAMBERS) SUA SPONTE REMANDING ACTION TO STATE COURT

“Federal jurisdiction must be rejected if there is any doubt as to the right of removal in the first instance.” Gaus v. Miles, Inc., 980 F.2d 564, 566-67 (9th Cir. 1992). A defendant may waive his right to remove “by taking some substantial offensive or defensive action in the state court action indicating a willingness to litigate in the tribunal before filing a notice of removal with the federal court.” Yusefzadeh v. Nelson, Mullins, Riley & Scarborough, LLP, 365 F.3d 1244, 1246 (11th Cir.2004) (quoting Charles A. Wright, et al., 14B Federal Practice & Procedure § 3721 (2003)). Defendant filed a demurrer to Plaintiff’s First Amended Complaint in state court thereby waiving its right to remove. Accordingly, the matter is hereby REMANDED TO STATE COURT.

IT IS SO ORDERED.

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Initials of Deputy Clerk CCH