

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. ED CV 17-01150-RGK (KKx) Date July 25, 2017

Title ***DESH MALLIK v. GREENLIGHT PLANET, INC.***

Present: The Honorable R. GARY KLAUSNER, U.S. DISTRICT JUDGE

Sharon L. Williams (Not Present)

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 May 5, 2017, Desh Mallik (“Plaintiff”), filed suit against employer Greenlight Planet, Inc. (“Defendant”). In his Complaint, Plaintiff asserts state common law claims and statutory claims under the California Labor Code. On June 13, 2017, Defendant 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). Defendant adequately shows that the parties are citizens of different states. However, Defendant fails with respect to the amount in controversy.

In its Notice of Removal, Defendant states only that the amount in controversy exceeds \$75,000 because Plaintiff asserts nine claims that allegedly give rise to compensatory and punitive damages, civil and statutory penalties, restitution and disgorgement, and attorney’s fees and costs. This statement is too conclusory and speculative to satisfy Defendant’s burden of showing the jurisdictional requirement by a preponderance of the evidence.

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In light of the foregoing, the action is hereby **remanded** to state court for all further proceedings.

IT IS SO ORDERED.

Initials of Preparer _____ : _____
