

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SACV 14-0494 AG (RNBx) Date April 21, 2014

Title VICTOR WHITSETT v. USAA CASUALTY INS. CO.

Present: The Honorable ANDREW J. GUILFORD

Lisa Bredahl

None Present

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: [IN CHAMBERS] ORDER TO SHOW CAUSE RE REMAND TO STATE COURT

Defendant USAA Casualty Insurance Company (“Defendant”) filed a Notice of Removal in this case on April 1, 2014. The procedure for removal is set forth in 28 U.S.C. § 1446, which provides:

The notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, or within 30 days after the service of summons upon the defendant if such initial proceeding has then been filed in court and is not required to be served on the defendant, whichever period is shorter.

28 U.S.C. § 1446(b).

Here, Defendant states that it was first served with the Summons and Complaint in this case on February 27, 2014. The Notice of Removal was filed more than 30 days after Defendant says it was served with the Complaint. Removal appears to be untimely under 28 U.S.C. § 1446.

Accordingly, Defendant is ORDERED to show cause in writing within 14 days of this Order why this action should not be remanded. If Defendant fails to do so, this case will be remanded.

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Plaintiff may submit a response within seven days of Defendant's filing.

Initials of Preparer _____ : _____ 0
lmb _____