

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MEMORANDUM

Case No. SACV 14-1358 DSF (JEMx)

Date 11/25/14

Title Terry Bjelajac v. Supervalu, 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 (Dkt. No. 22)

The motion to remand is DENIED as the Court finds by a preponderance of the evidence that the amount in controversy exceeds \$5,000,000. Plaintiff's arguments are not well-taken. The class definition in the complaint defines the class in terms of people who worked in a particular district, not people who worked for a particular person. Defendant claims that it has not directly employed any pharmacists in California during the relevant class period, but that its subsidiaries did. Plaintiff attempts to exclude subsidiary employees for the purposes of the amount in controversy, but he refuses to state in any specific way which pharmacists he thinks were employed by Defendant. Therefore, it is perfectly reasonable to include all pharmacists who might be part of the controversy in the calculation of the amount in controversy.

IT IS SO ORDERED.