

1 service of the pleading. 28 U.S.C. § 1446(b). In this case, Defendants' Notice of Removal
2 indicates that they filed their answers on August 17, 2011 and that removal is timely. Doc. 1 at
3 pg. 16-20). However, the removal documents do not indicate the date the pleading was actually
4 served which is the determinative date for purposes of removal. It is Defendants burden to
5 establish that removal is proper. Therefore, no later than **November 14, 2011 at 4:00 pm**,
6 Defendants shall show cause why this case should not be remanded to the Calaveras County
7 Superior court by filing documents establishing that service of the complaint occurred within the
8 thirty day period prior to the removal of this action.

9 IT IS SO ORDERED.

10 **Dated: November 9, 2011**

/s/ Gary S. Austin
11 UNITED STATES MAGISTRATE JUDGE