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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL ELLISON, et al.,

Plaintiffs,

No. CIV S-09-791 MCE KJM PS

vs.

PUTZMEISTER AMERICAN, INC., et al.,

Defendants.

ORDER

_____/

This action was removed from state court on the basis of diversity jurisdiction. In conclusory fashion, the removal petition alleges that the amount in controversy exceeds \$75,000. However, the complaint alleges only that damages sought are in excess of \$25,000. Moreover, it is not apparent from the face of the complaint that damages exceed the amount jurisdictionally required. See generally Singer v. State Farm Mut. Auto. Ins. Co., 116 F.3d 373 (9th Cir. 1997).

Accordingly, IT IS HEREBY ORDERED that within twenty days from the date of this order, defendants shall show cause why this action should not be summarily remanded. See 28 U.S.C. § 1446(c)(4).

DATED: April 7, 2009.

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U.S. MAGISTRATE JUDGE