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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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PRIME HEALTHCARE SERVICES -  
SHASTA, LLC, doing business  
as Shasta Regional Medical  
Center,  
  
                                  Plaintiff,  
  
                                  v.  
  
ALLSTATE INSURANCE COMPANY;  
and DOES 1 through 100,  
inclusive,  
  
                                  Defendants.

CIV NO.: 2:16-01363 WBS KJN  
ORDER RE: MOTION TO REMAND

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                                  Plaintiff Prime Healthcare Services - Shasta, LLC  
initiated this action in Shasta County Superior Court against  
defendant Allstate Insurance Company, bringing breach of contract  
and California Business Code § 17200 claims arising out of  
medical services provided by plaintiff. Defendant removed this  
action on the basis of diversity jurisdiction, (Docket No. 2),  
and plaintiff now moves to remand, (Docket No. 8).

“[A]ny civil action brought in a State court of which

1 the district courts of the United States have original  
2 jurisdiction, may be removed by the defendant or the defendants,  
3 to the district court of the United States for the district . . .  
4 where such action is pending." 28 U.S.C. § 1441(a). However, if  
5 "it appears that the district court lacks subject matter  
6 jurisdiction, the case shall be remanded." 28 U.S.C. § 1447(c).

7 Federal courts have original jurisdiction over cases  
8 where complete diversity exists between the parties and the  
9 amount in controversy exceeds \$75,000, exclusive of interest and  
10 costs. 28 U.S.C. § 1332(a). As the party seeking removal,  
11 defendant "has the burden of proving, by a preponderance of the  
12 evidence, that the amount in controversy exceeds \$75,000." Cohn  
13 v. Petsmart, Inc., 281 F.3d 837, 839 (9th Cir. 2002).

14 Here, plaintiff's Complaint seeks \$56,000 in damages.  
15 (Notice of Removal Ex. A ("Compl.") (Docket No. 2-1).) The  
16 Declaration of John Nuelle in support of motion to remand  
17 confirms the claims at issue are no more than \$56,000 and are  
18 below the amount-in-controversy requirement. (Nuelle Decl. Ex. A  
19 (Docket No. 8-3).) Plaintiff also seeks interest, costs, and  
20 permanent injunctive relief preventing defendant from denying  
21 plaintiff's bills. (See Compl. ¶ 24.)

22 In its notice of removal, defendant originally argued  
23 that the amount plaintiff allege they were underpaid was  
24 approximately \$159,000 based on plaintiff's theories of recovery  
25 and plaintiff's equitable relief would require defendant to pay  
26 higher rates for future services provided to its members.

27 (Notice of Removal ¶¶ 18-19 (Docket No. 2).) After reviewing  
28 plaintiff's motion to remand and the claims at issue, defendant

1 does not oppose the motion to remand on the basis that plaintiff  
2 seeks no more than \$56,000 in damages and the amount-in-  
3 controversy requirement is not met. (Def.'s Notice of Non-Opp'n  
4 (Docket No. 10).) Thus, defendant has not shown that this case  
5 meets the amount-in-controversy requirement. Accordingly, the  
6 court must grant plaintiff's motion to remand.

7 IT IS THEREFORE ORDERED that plaintiff's motion to  
8 remand be, and the same hereby is, GRANTED; and this action is  
9 hereby REMANDED to the Superior Court of the State of California,  
10 in and for the County of Shasta.

11 Dated: October 12, 2016



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12 WILLIAM B. SHUBB  
13 UNITED STATES DISTRICT JUDGE  
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