







1           Indeed, Defendant has included with its Opposition a Statement of Damages  
2 signed by Plaintiff's attorney wherein Plaintiff claims \$1,125,000 in total damages, not  
3 including interest. The Court may—and does—consider this evidence in determining  
4 that removal was proper. See Lewis v. Verizon Commc'ns, Inc., 627 F.3d 395, 400  
5 (9<sup>th</sup> Cir. 2010) (defendant “may rely upon affidavits and declarations to make [the  
6 required] showing; the law in the Ninth Circuit expressly contemplates the district court's  
7 consideration of some evidentiary record”); see also Valdez v. Allstate Ins. Co., 372 F.3d  
8 1115, 1117 (9th Cir. 2004) (court may consider “summary-judgment-type evidence  
9 relevant to the amount in controversy at the time of removal”). Although “[i]t is best to  
10 make this showing in the notice of removal itself, . . . a party can supplement its showing  
11 in an opposition to a motion to remand.” Waller v. Hewlett-Packard Co., 11CV0454-LAB  
12 RBB, 2011 WL 8601207, at \*2 (S.D. Cal. May 10, 2011) (citing Cohn v. Petsmart, Inc.,  
13 281 F.3d 837, 840 n.1 (9th Cir. 2002) (“the district court did not err in construing  
14 Petsmart's opposition as an amendment to its notice of removal”). The Court therefore  
15 finds that the amount in controversy exceeds \$75,000.

16           Similarly, Plaintiff argues that Defendant has failed to establish complete diversity,  
17 but nowhere does Plaintiff assert that complete diversity is lacking. Rather, it asserts  
18 that Defendant's statement in its Notice of Removal that it is a Delaware LLC based in  
19 Delaware is not enough to allege citizenship of an LLC. For purposes of diversity  
20 jurisdiction, “an LLC is a citizen of every state of which its owners/members are citizens.”  
21 Johnson v. Columbia Properties Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006).  
22 Along with its Opposition, Defendant now submits the Statement of Information from  
23 ESA Management, filed with the State of California, which shows that ESA Management  
24 LLC is a Delaware Company with its primary place of business in North Carolina. The  
25 form also states that the member of the LLC is Extended Stay America, Inc. with a North  
26 Carolina address. As above, the Court considers this document in determining that  
27 Defendant has established complete diversity between the parties.

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1 Plaintiff's final argument that the action should be remanded because Defendant  
2 failed to provide all relevant papers from the underlying state court action is similarly not  
3 well taken.<sup>4</sup> Defendant admits that it inadvertently neglected to include certain case  
4 management documents, but the Court does not find this excusable neglect to be  
5 grounds to remand the action where complete diversity exists between the parties and  
6 the amount in controversy exceeds \$75,000.

7  
8 **CONCLUSION**

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10 For the reasons set forth above, Plaintiff's Motion to Remand, ECF No. 7, is  
11 DENIED.

12 IT IS SO ORDERED.

13 Dated: May 15, 2018

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16 MORRISON C. ENGLAND, JR.  
17 UNITED STATES DISTRICT JUDGE  
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28 <sup>4</sup> The missing case management documents have now been provided to the Court as Exhibit A to Plaintiff's Motion.