

United States District Court

For the Northern District of California

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

BELINDA SEGEL,

Plaintiff,

v.

CROSS COUNTRY TRAVCORPS, INC.,

Defendant

No. 06-0010 MMC

**ORDER REQUIRING DEFENDANT TO
SHOW CAUSE WHY ACTION SHOULD
NOT BE REMANDED**

Before the Court is defendant's Notice of Removal, filed January 6, 2006, in which notice defendant asserts the federal district court has diversity jurisdiction under 28 U.S.C. § 1332(a). In support of the jurisdictional amount, defendant, relying wholly on the allegations of plaintiff's complaint, asserts that the matter in controversy exceeds the sum of \$75,000. The complaint, while indicating that plaintiff has lost two months of wages and incurred moving costs as a result of defendant's termination of plaintiff's employment as a nurse, does not include allegations from which the Court can conclude that plaintiff's damages exceed the sum of \$75,000. Further, although the complaint's prayer for relief references an award of attorney's fees, the complaint does not refer to the existence of any contract or statute under which any such award could be possible. As a consequence, defendant, having relied only on the allegations of the complaint, fails to make the requisite showing that the amount in controversy exceeds \$75,000.


1 Accordingly, no later than January 23, 2006, defendant shall show cause in writing
2 why the action should not be remanded. Plaintiff, no later than January 30, 2006, may file
3 a reply to defendant's response to this Order.

4 As of January 30, 2006, the Court will take the matter under submission.

5 **IT IS SO ORDERED.**

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Dated: January 11, 2006


MAXINE M. CHESNEY
United States District Judge