IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

EMILY SMITH, individually and on behalf of all others similarly situated,

Plaintiff,

v.

LUX RETAIL NORTH AMERICA, INC., and DOES 1 through 50 inclusive,

Defendants.
_____/

No. C 13-01579 WHA

ORDER REQUESTING SUPPLEMENTAL SUBMISSIONS

Plaintiff contends that the Court lacks subject matter jurisdiction. Our court of appeals held that "where the plaintiff has pled an amount in controversy less than $5,000,000, the party seeking removal must prove with legal certainty that CAFA's jurisdictional amount is met." *Lowdermilk v U.S. Bank Nat'l Ass'n*, 479 F.3d 994, 1000 (9th Cir. 2007); *see also Bonnel v. Best Buy Stores, L.P.*, 881 F. Supp. 2d 1164, 1171 (N.D. Cal. 2012) (Judge Edward Chen) (affidavit by Human Resources manager insufficient evidentiary support). Defendant's counsel shall make such a showing in a submission not to exceed ten pages by **TUESDAY, MAY 28 AT NOON**. Plaintiff may respond to this by **THURSDAY, MAY 30 AT NOON**.

IT IS SO ORDERED.

Dated: May 22, 2013.

WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE