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4 UNITED STATES DISTRICT COURT  
5 NORTHERN DISTRICT OF CALIFORNIA

6 JAMES DEWAR,  
7 Plaintiff,  
8 v.  
9 ANTHONY DAVID,  
10 Defendant.  
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Case No. [15-cv-00113-JD](#)

**ORDER DENYING REMAND**

Re: Dkt. No. 51

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13 Plaintiff James Dewar asks to remand this case back to the Circuit Court of Cook County  
14 in Illinois, where he originally filed it. Dkt. No. 51 at 1.<sup>1</sup> Defendant removed under 28 U.S.C. §  
15 1441(b), which creates federal jurisdiction when the parties are from different states and the  
16 amount in controversy exceeds \$75,000.

17 Mr. Dewar contends that the amount in controversy does not meet the required threshold  
18 because “the crux of what [he] seeks to accomplish by this action is to obtain an accounting of the  
19 Trust.” *Id.* at 4. While that might be the crux of plaintiff’s goals in this case, his argument ignores  
20 the fact that the First Amended Complaint (“FAC”) includes, among other demands, a request for  
21 a declaratory judgment for the “remaining principal in the Trust.” FAC ¶ 64, Dkt. No. 20-1.  
22 When an action seeks declaratory relief, “it is well established that the amount in controversy is  
23 measured by the value of the object of the litigation.” *Cohn v. Petsmart, Inc.*, 281 F.3d 837, 840  
24 (9th Cir. 2002) (quoting *Hunt v. Wash. State Apple Adver. Comm’n*, 432 U.S. 333, 347 (1977));  
25 *see also Chapman v. Deutsche Bank Nat. Trust Co.*, 651 F.3d 1039, 1045 (9th Cir. 2011)


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27 <sup>1</sup> After Dewar filed in the Circuit Court of Cook County, defendant Anthony David removed the  
28 case to the Northern District of Illinois and filed a motion to dismiss, or in the alternative, to  
transfer to the Northern District of California. Dkt. Nos. 1, 10. The motion to transfer was  
granted. Dkt. No. 24.

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(determining that the amount in controversy was equal to the assessment value of the “object in litigation,” or property). When Mr. Dewar filed his FAC on March 13, 2013, the trust account exceeded \$500,000.00. Dkt. No. 1; David Decl. ¶ 14, Dkt. No. 54-1. Currently, the value is approximately \$920,000.000. *Id.* ¶ 15. Because the “object in litigation” is, in part, the remaining principal in the trust, and the amount of the principal exceeds the required \$75,000, jurisdiction is proper.

**IT IS SO ORDERED.**

Dated: May 1, 2015

  
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JAMES DONATO  
United States District Judge