

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CURTISHA HOLDEN,
Plaintiff,
v.
TARGET CORPORATION,
Defendant.

Case No. 16-cv-02217-JST
**ORDER TO SHOW CAUSE
REGARDING DIVERSITY
JURISDICTION**
Re: ECF No. 1

United States District Court
Northern District of California

Defendant Target Corporation is hereby ORDERED TO SHOW CAUSE why this case should not be remanded for want of subject matter jurisdiction.

Defendant removed this case from Alameda County Superior Court, contending this Court has federal diversity jurisdiction under 28 U.S.C. § 1332. Defendant asserts that “[t]he matter in controversy allegedly exceeds the sum on \$75,000.00, exclusive of interest, attorney’s fees and costs.” ECF No. 1 ¶ 5. Plaintiff’s complaint only alleges that the amount of damages exceeds \$25,000. See ECF No. 1-1, Ex. A at 3. Defendant, however, states that Plaintiff made a settlement demand in excess of \$75,000. ECF No. 1 ¶ 10.

As the removing party, Defendant bears the burden of establishing federal jurisdiction by a preponderance of the evidence. Naffe v. Frey, 789 F.3d 1030, 1040 (9th Cir. 2015). In a federal diversity action, a settlement demand may be relevant evidence as to the amount in controversy, but only if it reflects a reasonable estimate of the plaintiff’s claim. Cohn v. PetSmart, Inc., 281 F.3d 837, 840 (9th Cir. 2002). The Court cannot conclude based on the Notice of Removal alone that Defendant has carried its burden in establishing the amount in controversy.

No later than Friday, June 17, 2016 at 5:00 p.m., Defendant must file a written response to this Order to Show Cause. The response shall set forth the bases for Defendant’s assertion for the amount in controversy, and shall include declarations or affidavits supporting any statements of

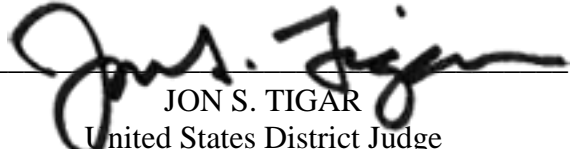
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

fact, consistent with Civil Local Rule 7-5. Plaintiff may, but is not required to, file a written response to the Defendant's response to this Order to Show Cause. Such response shall be due by Friday, June 24, 2016 at 5:00 p.m. Whether or not Plaintiff files a response, the matter will go under submission on June 24, 2016 at 5:00 p.m.

If the Defendant does not file a written response, the Court will remand the case to the Alameda County Superior Court.

IT IS SO ORDERED.

Dated: June 10, 2016



JON S. TIGAR
United States District Judge