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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 RAUL NAVARRETE,

No. 16-5899 CRB

12 Plaintiff,

**ORDER GRANTING MOTION TO  
REMAND**

13 v.

14 RICOH USA, INC. ET AL.,

15 Defendants.  
16

17 Plaintiff Raul Navarrete was hit by a car, fracturing his spine and sustaining additional  
18 injuries. See Notice of Removal (dkt. 1) Ex. 1 (Complaint) ¶ 6. He provided his employer,  
19 RICOH, with his medical records, and inquired about accommodations. See id. ¶¶ 7–8.  
20 Shortly thereafter, RICOH asserted that Plaintiff had abandoned his job, and terminated him.  
21 See id. ¶ 9. Plaintiff brought suit in state court, alleging disability discrimination, failure to  
22 provide reasonable accommodation, failure to engage in good faith interactive process,  
23 failure to prevent discrimination, and wrongful termination—all state court claims. See  
24 generally id. Defendant RICOH removed the case to this Court, asserting diversity  
25 jurisdiction. See Notice of Removal ¶¶ 11–12. Plaintiff now moves to remand, arguing that  
26 Defendant cannot establish sufficient facts to support the amount in controversy requirement  
27 of 28 U.S.C. § 1332. See Mot. to Remand (dkt. 10). The Court finds this matter suitable for  
28 resolution without oral argument, pursuant to Civil Local Rule 7-1(b), and vacates the


1 motion hearing currently calendared for December 16, 2016.

2 “[T]he proponent of federal jurisdiction . . . has the burden to prove, by a  
3 preponderance of the evidence, that removal is proper.” Geographic Expeditions, Inc. v.  
4 Estate of Lhotka ex rel. Lhotka, 599 F.3d 1102, 1106–07 (9th Cir. 2010). The removal  
5 statute is “strictly construe[d] . . . against removal jurisdiction.” Gaus v. Miles, Inc., 980  
6 F.2d 564, 566 (9th Cir. 1992) (per curiam). “Where doubt regarding the right to removal  
7 exists, a case should be remanded to state court.” Matheson v. Progressive Specialty Ins.  
8 Co., 319 F.3d 1089, 1090 (9th Cir. 2003). Notwithstanding Defendant’s speculation about  
9 extensive attorneys’ fees and punitive damages, Defendant has failed to demonstrate that  
10 Plaintiff’s damages, stemming from the loss of his \$14.75 per hour job, see Dixon Decl. (dkt.  
11 11-3) ¶ 2, more likely than not exceed \$75,000.

12 Accordingly, the Court GRANTS the motion to remand.<sup>1</sup>

13 **IT IS SO ORDERED.**

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15 Dated: December 5, 2016

  
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16 CHARLES R. BREYER  
17 UNITED STATES DISTRICT JUDGE  
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28 <sup>1</sup> The Court declines to enter Defendant’s requested order requiring Plaintiff to stipulate to seeking less than the jurisdictional minimum. See Opp’n (dkt. 11) at 7.