

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

George Pratt v. Bonafide Provisions, LLC

Pratt · No. 25-cv-1982-AJB-KSC · Decided January 30, 2026

SUMMARY

The United States District Court for the Southern District of California dismissed George Pratt’s putative class action against Bonafide Provisions, LLC for lack of subject matter jurisdiction. The court held that the complaint failed to establish the minimum diversity required under the Class Action Fairness Act because both parties were alleged to be California citizens, and it also found the amount-in-controversy allegations conclusory. The dismissal was with leave to amend, and the defendant’s pending motion to dismiss was denied as moot.

CASE DETAILS

COURT	United States District Court for the Southern District of California
JURISDICTION	United States District Court for the Southern District of California
DECIDED	January 30, 2026
DOCKET	25-cv-1982-AJB-KSC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a putative class action invoking federal jurisdiction under the Class Action Fairness Act. The court sua sponte reviewed subject matter jurisdiction and dismissed the complaint with leave to amend; the defendant's pending motion to dismiss was denied as moot.
STANDARD OF REVIEW	The court independently reviewed subject matter jurisdiction sua sponte. Under Federal Rule of Civil Procedure 12(h)(3), dismissal is required whenever the court determines that it lacks subject matter jurisdiction.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation identified.

TOPICS

- subject matter jurisdiction
- class actions
- pleadings
- motions to dismiss
- civil procedure

PRACTICE AREAS

- civil procedure
- class actions
- subject matter jurisdiction
- commercial litigation
- consumer protection

QUESTIONS PRESENTED

1. Whether the complaint established federal subject matter jurisdiction under the Class Action Fairness Act.
2. Whether the complaint adequately alleged diversity of citizenship between a proposed class member and the defendant.
3. Whether the complaint adequately alleged that the amount in controversy exceeded \$5,000,000.
4. What disposition was appropriate for the jurisdictionally deficient complaint and the defendant's pending motion to dismiss.

HOLDINGS

1. A federal district court has an independent obligation to determine sua sponte whether subject matter jurisdiction exists, even when the defendant has not raised the issue in a motion to dismiss.
2. The complaint failed to establish the required diversity of citizenship for CAFA jurisdiction because it alleged that both Pratt and Bonafide were citizens of California.
3. The complaint's conclusory allegation that the amount in controversy exceeded the CAFA threshold was insufficient to establish federal subject matter jurisdiction.
4. The complaint was dismissed with leave to amend, and the defendant's pending motion to dismiss was denied as moot.

KEY QUOTATIONS

“Federal courts are courts of limited jurisdiction. They possess only that power authorized by Constitution and statute.” (at 1)

“If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.” (at 1)

“Because Plaintiff and Bonafide are both citizens of California, minimum diversity does not exist.” (at 2)

“conclusory allegations at to the amount in controversy are insufficient.” (at 2)

FACTUAL BACKGROUND

Pratt alleged that he was a California citizen and resident of Modesto, California. He alleged that Bonafide was a California entity with its principal place of business in Carlsbad, California. The complaint invoked CAFA and alleged, in conclusory fashion, that the amount in controversy exceeded the statutory threshold.

PROCEDURAL HISTORY

On August 1, 2025, George Pratt filed a class action complaint against Bonafide Provisions, LLC. Bonafide filed a motion to dismiss. Before resolving that motion, the district court independently examined subject matter jurisdiction and concluded that the complaint failed to establish CAFA jurisdiction, dismissing the complaint with leave to amend and denying the motion to dismiss as moot.

DISPOSITION

dismissed

CASES CITED

- Allstate Ins. Co. v. Hughes, 358 F.3d 1089, 1093 (9th Cir. 2004)
- Dittman v. California, 191 F.3d 1020, 1025 (9th Cir. 1999)
- Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994)
- Dart Cherokee Basin Operating Co., LLC v. Owens, 574 U.S. 81, 84-85 (2014)
- Moe v. GEICO Indem. Co., 73 F.4th 757, 763 (9th Cir. 2023)
- Ferrell v. Express Check Advance of SC LLC, 591 F.3d 698, 700-05 (4th Cir. 2010)
- Jack v. Ring LLC, 553 F. Supp. 3d 711, 714-15 (N.D. Cal. 2021)
- Matheson v. Progressive Specialty Ins. Co., 319 F.3d 1089, 1090-91 (9th Cir. 2003)

OPINION

Pratt

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 GEORGE PRATT, individually and on Case No.: 25-cv-1982-AJB-KSC behalf of all others
similarly situated, 12 ORDER: 13 Plaintiff, (1) DISMISSING CASE FOR LACK OF

14 SUBJECT MATTER JURISDICTION

v. 15

BONAFIDE PROVISIONS, LLC, (2) DENYING AS MOOT

16 DEFENDANT’S MOTION TO

Defendant. DISMISS (Doc. No. 9) 17 18 19 On August 1, 2025, Plaintiff George Pratt (“Plaintiff”) filed a class action complaint 20 against Defendant Bonafide Provisions, LLC (“Bonafide”). (Doc. No. 1.) Upon review of 21 the pleadings, this Court does not subject matter jurisdiction over this case. Accordingly, 22 for the reasons stated below, Plaintiff’s Complaint is DISMISSED WITH LEAVE TO 23 AMEND. Bonafide’s pending motion is dismiss is DENIED AS MOOT. 24 Although Bonafide does not raise of subject matter jurisdiction in its motion to 25 dismiss, “this Court has an independent obligation to address sua sponte whether [it] ha[s] 26 subject matter jurisdiction.” Allstate Ins. Co. v. Hughes, 358 F.3d 1089, 1093 (9th Cir. 27 2004) (citing Dittman v. California, 191 F.3d 1020, 1025 (9th Cir. 1999)); see also Fed. R. 28 Civ. P. 12(h)(3) (“If the court determines at any time that it lacks subject-matter 1 jurisdiction, the court must dismiss the action.”). “Federal courts are courts of limited 2 jurisdiction. They possess only that power authorized by Constitution and statute.” 3 Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S.

375, 377 (1994). “It is to be presumed 4 that a cause lies outside this limited jurisdiction, and the burden of establishing the contrary 5 rests upon the party asserting jurisdiction[.]” Id. 6 Here, Plaintiff invokes federal jurisdiction under the Class Action Fairness Act 7 (“CAFA”), 28 U.S.C. § 1332(d). (See Doc. No. 1 ¶ 7.) Federal courts have original 8 jurisdiction under CAFA where the number of proposed plaintiffs is greater than 100, there 9 is a diversity of citizenship between any member of the class and any defendant, and the 10 amount in controversy is more than \$5,000,000, exclusive of interests and costs. 28 U.S.C. 11 § 1332(d); Dart Cherokee Basin Operating Co., LLC v. Owens, 574 U.S. 81, 84–85 (2014). 12 However, the district court “shall decline to exercise jurisdiction” over a class action in 13 which two-thirds or more of the class members, and the primary defendants, are citizens of 14 the state in which the action was originally filed. See 28 U.S.C. § 1332(d)(4)(B). 15 Plaintiff alleges he is a citizen of California and a resident of Modesto, California. 16 (Id. ¶ 4.) Plaintiff alleges that Bonafide “is a California corporation with its principal place 17 of business in Carlsbad, Claifornia.”¹ (Id. ¶ 6.) Because Plaintiff and Bonafide are both 18 citizens of California, minimum diversity does not exist. Thus, Plaintiff has failed to 19 establish diversity of citizenship between the parties as required for this court to exercise 20 subject matter jurisdiction over this action. *Moe v. GEICO Indem. Co.*, 73 F.4th 757, 763 21 (9th Cir. 2023) (noting that CAFA “impose[s] specific requirements that must be satisfied 22 before federal jurisdiction is conferred”). 23 24 25 1 It is unclear whether Bonafide is a limited liability company or a corporation. However, the distinction is likely immaterial to the jurisdiction analysis. See *Ferrell v. Express Check Advance of SC LLC*, 591 26 F.3d 698, 700–05 (4th Cir. 2010) (holding that an LLC is an “unincorporated association” for CAFA purposes under § 1332(d)(10) and thus a citizen of the state where it has its principal place of business 27 and the State under whose laws it was organized); see also *Jack v. Ring LLC*, 553 F. Supp. 3d 711, 714–15 (N.D. Cal. 2021) (finding that an LLC is “an unincorporated association” for CAFA purposes, though 28 l As for the amount in controversy, Plaintiff's complaint provides a conclusory 2 ||allegation that the amount in controversy is satisfied. (See Doc. No. 1 § 14.) But 3 ||“conclusory allegations at to the amount in controversy are insufficient.” *Matheson y.* 4 || *Progressive Specialty Ins. Co.*, 319 F.3d 1089, 1090-91 (9th Cir. 2003). 5 Accordingly, Plaintiff's Complaint is DISMISSED WITH LEAVE TO AMEND. 6 || If Plaintiff chooses, he may file an amended complaint by no later than February 13, 2026. 7 || Any amended complaint must cure the deficiencies outlined in this Order. If Plaintiff files 8 amended complaint, Defendant must file a responsive pleading by no later than 9 || March 6, 2026. 10 IT IS SO ORDERED. 11 ||Dated: January 30, 2026 13 United States District Judge 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28