

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

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