

**UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA**

Nancy Paley v. Saks and Company LLC, et al.

Paley · No. 2:24-cv-00527-FLA (PVCx) · Decided April 8, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF
CALIFORNIA 10 11 NANCY PALEY, Case No. 2:24-cv-00527-FLA (PVCx) 12 Plaintiffs,
ORDER TO SHOW CAUSE WHY 13 v. ACTION SHOULD NOT BE REMANDED FOR
LACK OF 14 SUBJECT MATTER JURISDICTION SAKS AND COMPANY LLC, et al., 15
Defendants. 16 17 18 19 20 21 22 23 24 25 26 27 28 1 ORDER 2 Federal courts are courts of
“limited jurisdiction,” possessing “only that power 3 authorized by the Constitution and statute[.]”
Kokkonen v. Guardian Life Ins.

Co. of 4 Am., 511 U.S. 375, 377 (1994); U.S. Const. art. III, § 2, cl. 1. District courts are 5
presumed to lack jurisdiction unless the contrary appears affirmatively from the 6 record. See
DaimlerChrysler Corp. v. Cuno, 547 U.S. 332, 342 n. 3 (2006). 7 Additionally, federal courts have
an obligation to examine jurisdiction sua sponte 8 before proceeding to the merits of a case.

See Ruhrgas AG v. Marathon Oil Co., 526 9 U.S. 574, 583 (1999). 10 Federal courts have
jurisdiction where an action arises under federal law or 11 where each plaintiff’s citizenship is
diverse from each defendant’s citizenship and the 12 amount in controversy exceeds \$75,000,
exclusive of interest and costs. 28 U.S.C. 13 §§ 1331, 1332(a). A complaint filed in federal court
must contain “a plausible 14 allegation that the amount in controversy exceeds the jurisdictional
threshold.” Dart 15 Cherokee Basin Operating Co. v. Owens, 574 U.S. 81, 89 (2014).

Where a party 16 contests, or the court questions, a party’s allegations concerning the amount in
17 controversy, both sides shall submit proof, and the court must decide whether the 18 party
asserting jurisdiction has proven the amount in controversy by a preponderance 19 of the
evidence. Id. at 88–89; see Fed. R. Civ. P. 12(h)(3) (“If the court determines at 20 any time that it
lacks subject-matter jurisdiction, the court must dismiss the action.”).

21 “Federal jurisdiction must be rejected if there is any doubt as to the right of removal in 22 the
first instance.” Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992). 23 The court has reviewed
the Notice of Removal and is presently unable to 24 conclude it has subject matter jurisdiction
under 28 U.S.C. § 1332(a).

In particular, 25 and without limitation, the court finds that the allegations in the Notice of
Removal do 26 not demonstrate by a preponderance of the evidence that the amount in

controversy 27 exceeds \$75,000. 28 / / / 1 The parties are ORDERED TO SHOW CAUSE, in writing only, within 2 || fourteen (14) days from the date of this Order, why this action should not be remanded 3 | for lack of subject matter jurisdiction because the amount in controversy does not 4 | exceed the jurisdictional threshold.

The parties are encouraged to submit evidence 5 | and/or judicially noticeable facts in response to the court's Order. Responses shall be 6 | limited to ten (10) pages in length. The parties should consider this Order to be a two- 7 || pronged inquiry into the facial and factual sufficiency of Defendant's demonstration 8 | of jurisdiction. See *Leite v. Crane Co.*, 749 F.3d 1117, 1122 (9th Cir.

2014). 9 As Defendant is the party asserting federal jurisdiction, Defendant's failure to 10 | respond timely and adequately to this Order shall result in remand of the action 11 | without further notice. 12 13 IT IS SO ORDERED. 14 15 | Dated: April 8, 2025 16 FERNAND L. AENL E-ROCHA United States District Judge 17 18 19 20 21 22 23 24 25 26 27 28