UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Berkley National Insurance Company v. Lawrence Gabriel Nora

Berkley National Insurance · No. 2:25-cv-02155-FLA (SSCx) · Decided May 22, 2025

SUMMARY

The United States District Court for the Central District of California ordered the parties to show cause why the action should not be dismissed for lack of subject matter jurisdiction. The court questioned whether the complaint adequately established that the amount in controversy exceeded $75,000 and directed the parties to respond in writing within fourteen days.

OPINION

Berkley National Insurance Company v. Lawrence Gabriel Nora
PER CURIAM.
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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 11 BERKLEY NATIONAL INSURANCE Case No. 2:25-cv-02155-FLA (SSCx)
COMPANY,
12
ORDER TO SHOW CAUSE WHY
Plaintiff,
13 ACTION SHOULD NOT BE
v. DISMISSED FOR LACK OF
14
SUBJECT MATTER JURISDICTION
15 LAWRENCE GABRIEL NORA, et al., 16 Defendants. 17 18 19 20 21 22 23 24 25 26 27 28 1 Federal courts are courts of “limited jurisdiction,” possessing only “power 2 authorized by the Constitution and statute[.]” Kokkonen v. Guardian Life Ins. Co. of 3 Am., 511 U.S. 375, 377 (1994); U.S. Const. art. III, § 2, cl. 1. Courts are presumed to 4 lack jurisdiction unless the contrary appears affirmatively from the record. See 5 DaimlerChrysler Corp. v. Cuno, 547 U.S. 332, 342 n. 3 (2006). Additionally, federal 6 courts have an obligation to examine jurisdiction sua sponte before proceeding to the 7 merits of a case. See Ruhrgas AG v. Marathon Oil Co., 526 U.S. 574, 583 (1999). 8 Federal courts have jurisdiction where an action arises under federal law or 9 where each plaintiff’s citizenship is diverse from each defendant’s citizenship and the 10 amount in controversy exceeds $75,000, exclusive of interest and costs. 28 U.S.C. 11 §§ 1331, 1332(a). A

complaint filed in federal court must contain “a plausible 12 allegation that the amount in controversy exceeds the jurisdictional threshold.” Dart 13 v. Cherokee Basin Operating Co. v. Owens, 574 U.S. 81, 89 (2014). Where a party 14 contests, or a court questions, a party’s allegations concerning the amount in 15 controversy, both sides shall submit proof, and the court must decide whether the 16 party asserting jurisdiction has proven the amount in controversy by a preponderance 17 of the evidence. Id. at 88–89; see Fed. R. Civ. P. 12(h)(3) (“If the court determines at 18 any time that it lacks subject-matter jurisdiction, the court must dismiss the action.”). 19 The same procedures apply when the existence of complete diversity of the parties is 20 called into question. See, e.g., Verb Tech. Co. v. Baker & Hostetler LLP, Case No. 21 2:21-cv-06500-ODW (MAAx), 2021 WL 4125207, at *1 (C.D. Cal. Sept. 9, 2021). 22 The court has reviewed the Complaint and is presently unable to conclude it has 23 subject matter jurisdiction over this action under 28 U.S.C. § 1332(a). In particular, 24 and without limitation, the court finds the Complaint does not state sufficient facts to 25 establish the amount in controversy exceeds $75,000. See Dart, 574 U.S. at 88–89. 26 Accordingly, the parties are ORDERED to SHOW CAUSE, in writing only, 27 within fourteen (14) days from the date of this Order, why this action should not be 28 dismissed for lack of subject matter jurisdiction. The parties are encouraged to submit | || evidence and/or judicially noticeable facts in response to the court’s Order. 2 || Responses shall be limited to ten (10) pages in length. The parties should consider 3 | this Order to be a two-pronged inquiry into the facial and factual sufficiency of 4 | Plaintiff's demonstration of jurisdiction. See Leite v. Crane Co., 749 F.3d 1117, 1122 5 | (9th Cir. 2014). 6 As Plaintiff is the party asserting federal jurisdiction, Plaintiffs failure to 7 || respond timely and adequately to this Order shall result in dismissal of the action 8 | without further notice. 9 10 IT IS SO ORDERED. 11 12 | Dated: May 22, 2025 13 4 aS CE 1S United States District Judge 16 17 18 19 20 21 22 23 24 25 26 27 28

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