

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Bricine Mitchell v. Continental Casualty Insurance

No. 25-cv-09553-JSC, United States District Court for the Northern District of California (December 8, 2025)

SUMMARY

The United States District Court for the Northern District of California remanded this putative class action to California state court. The court determined that the defendant had not established by a preponderance of the evidence that the amount in controversy exceeded the jurisdictional threshold, and the defendant did not oppose remand.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Jacqueline Scott Corl
JURISDICTION	United States District Court for the Northern District of California
DECIDED	December 8, 2025
DOCKET	25-cv-09553-JSC
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendant removed Plaintiff's putative California state-law class action to federal court based on diversity jurisdiction. The district court ordered Defendant to show cause why the case should not be remanded for lack of subject matter jurisdiction and then remanded the case after Defendant stated that it did not oppose remand.
STANDARD OF REVIEW	A removing defendant bears the burden of establishing by a preponderance of the evidence that the amount in controversy exceeds the jurisdictional threshold when the amount is unclear or ambiguous from the face of the state-court complaint.
PRECEDENTIAL VALUE	unknown

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the federal court had subject matter jurisdiction based on diversity jurisdiction when Defendant failed to establish that the amount in controversy exceeded the jurisdictional threshold.
2. Whether the action should be remanded to California state court.

HOLDINGS

1. When the amount in controversy is unclear or ambiguous from the face of the state-court complaint, the removing defendant bears the burden of establishing by a preponderance of the evidence that the amount in controversy exceeds the jurisdictional threshold. Defendant failed to meet that burden.

KEY QUOTATIONS

“Where, as here, it is unclear or ambiguous from the face of a state-court complaint whether the requisite amount in controversy is pled, the removing defendant bears the burden of establishing, by a preponderance of the evidence, that the amount in controversy exceeds the jurisdictional threshold.” (1)

FACTUAL BACKGROUND

Plaintiff filed a putative class action against Continental Casualty Insurance in California state court, alleging violations of the California Business and Professions Code. Defendant removed the action based on diversity jurisdiction, but did not establish that the amount in controversy exceeded the jurisdictional threshold.

PROCEDURAL HISTORY

Plaintiff filed a putative class action in California state court alleging violations of the California Business and Professions Code. Defendant removed the action to the Northern District of California, asserting diversity jurisdiction. After the court found that Defendant had not shown that the amount in controversy exceeded the jurisdictional threshold, it ordered Defendant to show cause. Defendant did not oppose remand, and the court remanded the case to the Superior Court of California for San Francisco County.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The case is remanded to the Superior Court of the State of California for the County of San Francisco. The clerk must transfer the federal court file, together with a certified copy of the order of remand, to the state-court clerk, after which the state court may proceed.

CASES CITED

- Urbino v. Orkin Services of California, Inc., 726 F.3d 1118, 1121-22 (9th Cir. 2013)

OPINION

Bricine Mitchell v. Continental Casualty Insurance

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 BRICINE MITCHELL, Case No. 25-cv-09553-JSC 8 Plaintiff,

ORDER REMANDING CASE

v. 9 Re: Dkt. Nos. 14, 15

10 CONTINENTAL CASUALTY

INSURANCE,

11 Defendant. 12

13 Plaintiff filed this putative class action against Defendant in state court and alleged 14
violations of the California Business & Professions Code. (Dkt. No. 3 at 9-18.)1 Defendant 15
removed the case to this Court based on diversity jurisdiction. (Id. at 1-7.) Because Defendant 16
had not shown the amount in controversy exceeded the jurisdictional threshold, the Court ordered
17 Defendant to show cause why this action should not be remanded for lack of subject matter 18
jurisdiction. (Dkt. No. 14.) See *Urbino v. Orkin Servs. of Cal., Inc.*, 726 F.3d 1118, 1121-22 (9th
19 Cir. 2013) (“Where, as here, it is unclear or ambiguous from the face of a state-court complaint
20 whether the requisite amount in controversy is pled, the removing defendant bears the burden
of 21 establishing, by a preponderance of the evidence, that the amount in controversy exceeds the
22 jurisdictional threshold.” (cleaned up)). Defendant responded: “After reviewing the Court’s
order 23 and in light of Plaintiff’s previously expressed willingness to stipulate to remand,
Defendant does 24 not oppose remand of this action to state court.” (Dkt. No. 17 at 2.) 25 The
Court therefore REMANDS the case to the Superior Court of the State of California 26 for the
County of San Francisco. The Court further orders that the Court file in this case be 27 1
transferred by the clerk of this Court to the clerk of the State Court, along with a certified copy of
2 || this Order of Remand. The State Court may thereupon proceed with this case. 3 This Order
disposes of Docket No. 15. 4 IT IS SO ORDERED. 5 Dated: December 8, 2025 6 ne

JAQUELINE SCOTT CORL

7 United States District Judge 8 9 10 11 12 © 15 16 = 17 Z 18 19 20 21 22 23 24 25 26 27 28