UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

CALAMCO, Plaintiff, v. J.R. Simplot Co., et al., Defendants.	No. 2:21-cv-01201-KJM-KJN ORDER

Defendant J.R. Simplot Co. removed this action from state court based on its allegation that the value of its ongoing contractual dispute with plaintiff CALAMCO (who all agree is diverse) is greater than $75,000. *See* Not. Removal ¶¶ 9–13, ECF No. 1. CALAMCO moves to remand the action to state court, arguing no evidence supports Simplot's claims about the amount in controversy, which it characterizes as speculative in any event. *See generally* Mot. Remand, ECF No. 7. That motion is pending, and Simplot's opposition will soon come due. See Min. Order, ECF No. 22. Before then, Simplot moves to compel a deposition of CALAMCO's CEO; it believes the deposition is necessary to suss out the true amount in controversy. *See* Mot. Depose, ECF No. 12-1. CALAMCO opposes that motion, which is now fully briefed and was submitted without oral argument. *See* Opp'n Depose, ECF No. 18; Reply Depose, ECF No. 20; Min. Order, ECF No. 23.

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As Simplot recognizes in its notice of removal, *see* Not. Removal ¶ 9, when a plaintiff seeks equitable relief, as CALAMCO does here, *see* Compl. at 8, Not. Removal Ex. C, ECF No. 1-3, "the test for determining the amount in controversy is the pecuniary result to either party which the judgment would directly produce," *In re Ford Motor Co./Citibank* (*S. Dakota*), *N.A.*, 264 F.3d 952, 958 (9th Cir. 2001). To satisfy the amount-in-controversy requirement of 28 U.S.C. § 1332, Simplot may thus rely on the value of its likely losses in the event of a CALAMCO victory. It has advanced allegations along these lines in its notice of removal, *see*, *e.g.*, Not. Removal ¶ 12, and it has not explained why it cannot rely on its own files—rather than the testimony of the opposing party's CEO—to prove how much it stands to lose and why. CALAMCO has also agreed that it hopes to earn revenues of greater than $75,000 if it prevails. Opp'n Depose at 3. The parties do disagree about whether those gains and losses satisfy the jurisdictional requirements of § 1332, *see*, *e.g.*, Mot. Remand at 7, but these are legal disputes, not factual disputes. No deposition is necessary. **The motion is denied.**

This order resolves ECF No. 12-1.

IT IS SO ORDERED.

DATED: September 3, 2021.

CHIEF UNITED STATES DISTRICT JUDGE