

1 Jason E. Barsanti (SBN 235807)  
[jbarsanti@cozen.com](mailto:jbarsanti@cozen.com)

2 **COZEN O'CONNOR**  
3 501 W. Broadway, Suite 1610  
4 San Diego, CA 92101  
5 Telephone: 619-234-1700  
6 Facsimile: 619-234-7831

7 Ethan W. Chernin (SBN 273906)  
[echernin@cozen.com](mailto:echernin@cozen.com)

8 **COZEN O'CONNOR**  
9 401 Wilshire Blvd., Suite 850  
10 Santa Monica, CA 90401  
11 Telephone: 310-393-4000  
12 Facsimile: 310-394-4700

13 Brett Greving (SBN 270883)  
[bgreving@cozen.com](mailto:bgreving@cozen.com)

14 **COZEN O'CONNOR**  
15 101 Montgomery Street, Suite 1400  
16 San Francisco, CA 94104  
17 Telephone: 415-644-0914  
18 Facsimile: 415-644-0978

19 Attorneys for Defendant  
**CARGILL MEAT SOLUTIONS CORPORATION**

20  
21 **UNITED STATES DISTRICT COURT**  
22 **EASTERN DISTRICT OF CALIFORNIA**  
23

24 RICHARD MARIN, SAMANTHA LOPEZ,  
25 individually and on behalf of all others similarly  
26 situated,

27 Plaintiffs,

28 vs.

CARGILL MEAT SOLUTIONS  
CORPORATION, a Delaware Corporation;  
And DOES 1 - 50, inclusive,

Defendant.

Case No.:

**DEFENDANT'S NOTICE OF  
REMOVAL PURSUANT TO 28  
U.S.C. §§ 1331, 1332(d)(2), 1441,  
1446, AND 1453**

Complaint Filed: February 23, 2022

Removed: May 12, 2022

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**TABLE OF CONTENTS**

**Page**

I. PLEADINGS, PROCESS AND ORDERS ..... 1

II. THIS COURT HAS JURISDICTION..... 1

III. VENUE IS PROPER ..... 2

IV. DEFENDANT HAS SATISFIED THE REQUIREMENTS FOR REMOVAL..... 2

    A. This Removal Petition is Timely ..... 2

    B. The Procedural Requirements of Removal Are Met..... 2

V. THIS COURT HAS JURISDICTION UNDER CAFA ..... 3

    A. Plaintiffs Assert a Class Action Against Defendant ..... 4

    B. The Number of Putative Class Members Exceeds 100..... 4

    C. Defendant is not a Governmental Entity..... 5

    D. There Is Diversity Between At Least One Class Member  
    And Any One Defendant..... 5

    E. The Amount in Controversy Exceeds \$5,000,000 ..... 6

VI. CONCLUSION..... 9

**TABLE OF AUTHORITIES**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Page(s)**

**Federal Cases**

*Bodner v. Oreck Direct, LLC*,  
No. C 0604756, 2006 WL 2925691 (N.D. Cal. Oct. 12, 2006) ..... 4

*Dart Cherokee Basin Operating Co. v. Owens*,  
135 S.Ct. 547 (2014)..... 3

*Hanlon v. Chrysler Corp.*,  
150 F.3d 1011 (9th Cir. 1998) ..... 13

*Hertz Corp. v. Friend*,  
130 U.S. 1181 (2010) ..... 5

*Kenneth Rothschild Trust v. Morgan Stanley Dean Witter*,  
199 F. Supp. 2d 993 (C.D. Cal. 2002) ..... 6, 10

*Lew v. Moss*,  
797 F.2d 747 (9th Cir. 1986) ..... 5

*Lewis v. Verizon Communications, Inc.*,  
627 F.3d 395 (9th Cir. 2010) ..... 6

*Lowdermilk v. U.S. Bank Nat’l Ass’n*,  
479 F.3d 994 (9th Cir. 2007) ..... 13

*Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*,  
526 U.S. 344 (1999)..... 2

*Rippee v. Boston Market Corp.*,  
408 F. Supp. 2d 982 (S.D. Cal. 2005) ..... 6

*Standard Fire Ins. Co. v. Knowles*,  
133 S.Ct. 1345 (2013)..... 13

*State Farm Mut. Auto. Ins. Co. v. Dyer*,  
19 F.3d 514 (10th Cir. 1994) ..... 5

*Valdez v. Allstate Ins. Co.*,  
372 F.3d 1115 (9th Cir. 2004) ..... 6

1 **State Cases**

2 *Cortez v. Purolator Air Filtration Products Co.*,

3 23 Cal. 4th 163 (2000) ..... 7

4 *Pineda v. Bank of Am., N.A.*,

5 50 Cal. 4th 1389 (2010) ..... 11

6 **Federal Statutes**

7 28 U.S.C. § 84(a) ..... 2

8 28 U.S.C. § 1331 ..... 1, 2

9 28 U.S.C. § 1332(c)(1) ..... 5

10 28 U.S.C. § 1332(d)(1)(B) ..... 3

11 28 U.S.C. § 1332(d)(2) ..... 1, 3

12 28 U.S.C. § 1332(d)(2)(A) ..... 5, 6

13 28 U.S.C. § 1332(d)(5) ..... 3

14 28 U.S.C. § 1332(d)(5)(B) ..... 5

15 28 U.S.C. § 1332(d)(6) ..... 3, 7

16 28 U.S.C. § 1391 ..... 2

17 28 U.S.C. § 1441 ..... 1, 14

18 28 U.S.C. § 1446 ..... 1, 2

19 28 U.S.C. § 1446(a) ..... 2, 3

20 28 U.S.C. § 1446(b) ..... 2

21 28 U.S.C. § 1446(d) ..... 2

22 28 U.S.C. § 1453 ..... 1, 2, 6

23 Class Action Fairness Act of 2005 29 U.S.C. § 1332(d) ..... *passim*

24

25

26

27

28

1 **State Statutes**

2 Cal. Bus. & Prof. Code § 17200 ..... 1

3 Cal. Bus. & Prof. Code § 17208 ..... 7

4 Cal. Code Civ. Proc. § 338(a)..... 11

5 Cal. Code Civ. Proc. § 340(a)..... 12

6 Cal. Code Civ. Proc. § 382 ..... 4

7 California Labor Code § 201 ..... 1, 12

8 California Labor Code § 202 ..... 1

9 California Labor Code § 204 ..... 1, 12

10 California Labor Code § 226 ..... 12

11 California Labor Code § 226(a)..... 1

12 California Labor Code § 226.7 ..... 1

13 California Labor Code § 510 ..... 1

14 California Labor Code § 512(a)..... 1

15 California Labor Code § 1174(d) ..... 1

16 California Labor Code § 1194 ..... 1

17 California Labor Code § 1197 ..... 1

18 California Labor Code § 1197.1 ..... 1

19 California Labor Code § 1198 ..... 1

20 California Labor Code § 2698 ..... 1

21 California Labor Code § 2800 ..... 1

22 California Labor Code § 2802 ..... 1

23 California Unfair Competition Law..... 7

24

25

26

27

28

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.