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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

DART CHEROKEE BASIN OPERATING CO., LLC, ET AL. *v.* OWENS

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

No. 13–719. Argued October 7, 2014—Decided December 15, 2014

A defendant seeking to remove a case from state to federal court must file in the federal forum a notice of removal "containing a short and plain statement of the grounds for removal." 28 U. S. C. §1446(a).

Respondent Owens filed a putative class action in Kansas state court, seeking compensation for damages class members allegedly sustained when petitioners (collectively, Dart) underpaid royalties due under certain oil and gas leases. Dart removed the case to the Federal District Court, invoking the Class Action Fairness Act of 2005 (CAFA), which gives federal courts jurisdiction over class actions if the amount in controversy exceeds $5 million, 28 U. S. C. §1332(d)(2). Dart's notice of removal alleged that the purported underpayments totaled over $8.2 million. Owens moved to remand the case to state court, asserting that the removal notice was "deficient as a matter of law" because it included "no evidence" proving that the amount in controversy exceeded $5 million. In response, Dart submitted an executive's detailed declaration supporting an amount in controversy in excess of $11 million. The District Court granted Owens' remand motion, reading Tenth Circuit precedent to require proof of the amount in controversy in the notice of removal itself. Dart petitioned the Tenth Circuit for permission to appeal, see §1453(c)(1), but that court denied review and rehearing en banc.

Held:

1. As specified in §1446(a), a defendant's notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold; the notice need not contain evidentiary submissions.

Section 1446(a) tracks the general pleading requirement stated in

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Rule 8(a) of the Federal Rules of Civil Procedure. By borrowing Rule 8(a)'s "short and plain statement" standard, corroborative history indicates, Congress intended to clarify that courts should "apply the same liberal rules [to removal allegations as] to other matters of pleading." H. R. Rep. No. 100–889, p. 71. The amount-in-controversy allegation of a plaintiff invoking federal-court jurisdiction is accepted if made in good faith. See, *e.g.*, *Mt. Healthy City Bd. of Ed.* v. *Doyle*, 429 U. S. 274, 276. Similarly, the amount-in-controversy allegation of a defendant seeking federal-court adjudication should be accepted when not contested by the plaintiff or questioned by the court. In the event that the plaintiff does contest the defendant's allegations, both sides submit proof and the court decides, by a preponderance of the evidence, whether the amount-in-controversy requirement has been satisfied, see §1446(c)(2)(B).

In remanding the case to state court, the District Court relied, in part, on a purported "presumption" against removal, but no antiremoval presumption attends cases invoking CAFA, a statute Congress enacted to facilitate adjudication of certain class actions in federal court. See *Standard Fire Ins. Co.* v. *Knowles*, 568 U. S. ___, ___. Pp. 4–7.

2. The District Court erred in remanding this case for want of an evidentiary submission in the notice of removal, and the Tenth Circuit abused its discretion in denying review of that decision. Pp. 7–14.

(a) This Court concludes that no jurisdictional barrier impedes settlement of the question presented: whether evidence supporting the amount in controversy must be included in a notice of removal. The case was "in" the Tenth Circuit because of Dart's application for leave to appeal, and the Court has jurisdiction to review what the Court of Appeals did with that application. See 28 U. S. C. §1254; *Hohn* v. *United States*, 524 U. S. 236, 248. Pp. 7–8.

(b) While appellate review of a remand order is discretionary, exercise of that discretion is not rudderless, see *Highmark Inc.* v. *Allcare Health Management System, Inc.*, 572 U. S. ___, ___, and a court "would necessarily abuse its discretion if it based its ruling on an erroneous view of the law," *Cooter & Gell* v. *Hartmarx Corp.*, 496 U. S. 384, 405. The Tenth Circuit had previously stated considerations bearing on the intelligent exercise of discretion under §1453(c)(1). One of those considerations is particularly relevant here: a court of appeals should inquire whether, if a district court's remand order remains undisturbed, the case will "leave the ambit of the federal courts for good, precluding any other opportunity for [the defendant] to vindicate its claimed legal entitlement [under CAFA] . . . to have a federal tribunal adjudicate the merits." *BP America, Inc.* v. *Oklaho-*

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ma ex rel. Edmondson, 613 F. 3d 1029, 1035. Thus the Tenth Circuit's own guide weighed heavily in favor of accepting Dart's appeal. In practical effect, the Court of Appeals' denial of review established the law—the requirement of proof of the amount in controversy in the removal notice—not simply for this case, but for future CAFA removals sought by defendants in the Tenth Circuit, leaving those defendants with no realistic opportunity to resist making the evidentiary submission.

The District Court, driven by its conscientious endeavor to follow Circuit precedent, erred in ruling that Dart's amount-in-controversy allegation failed for want of proof. It was an abuse of discretion for the Tenth Circuit to deny Dart's request for review, for that disposition fastened on district courts within the Circuit an erroneous view of the law. Contrary to the law the District Court derived from Tenth Circuit precedent, a removal notice need only plausibly allege, not detail proof of, the amount in controversy.Pp. 8–14.

Vacated and remanded.

GINSBURG, J., delivered the opinion of the Court, in which ROBERTS, C. J., and BREYER, ALITO, and SOTOMAYOR, JJ., joined. SCALIA, J., filed a dissenting opinion, in which KENNEDY and KAGAN, JJ., joined, and in which THOMAS, J., joined as to all but the final sentence. THOMAS, J., filed a dissenting opinion.

SUPREME COURT OF THE UNITED STATES

No. 13–719

DART CHEROKEE BASIN OPERATING COMPANY, LLC, ET AL., PETITIONERS *v.* BRANDON W. OWENS

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

[December 15, 2014]

JUSTICE GINSBURG delivered the opinion of the Court.

To remove a case from a state court to a federal court, a defendant must file in the federal forum a notice of removal "containing a short and plain statement of the grounds for removal." 28 U. S. C. §1446(a). When removal is based on diversity of citizenship, an amount-in-controversy requirement must be met. Ordinarily, "the matter in controversy [must] excee[d] the sum or value of $75,000." §1332(a). In class actions for which the requirement of diversity of citizenship is relaxed, §1332(d)(2)(A)–(C), "the matter in controversy [must] excee[d] the sum or value of $5,000,000," §1332(d)(2). If the plaintiff's complaint, filed in state court, demands monetary relief of a stated sum, that sum, if asserted in good faith, is "deemed to be the amount in controversy." §1446(c)(2). When the plaintiff's complaint does not state the amount in controversy, the defendant's notice of removal may do so. §1446(c)(2)(A).

To assert the amount in controversy adequately in the removal notice, does it suffice to allege the requisite

amount plausibly, or must the defendant incorporate into the notice of removal evidence supporting the allegation? That is the single question argued here and below by the parties and the issue on which we granted review. The answer, we hold, is supplied by the removal statute itself. A statement "short and plain" need not contain evidentiary submissions.

I

Brandon W. Owens, plaintiff below and respondent here, filed a putative class action in Kansas state court alleging that defendants Dart Cherokee Basin Operating Company, LLC, and Cherokee Basin Pipeline, LLC (collectively, Dart), underpaid royalties owed to putative class members under certain oil and gas leases. The complaint sought "a fair and reasonable amount" to compensate putative class members for "damages" they sustained due to the alleged underpayments. App. to Pet. for Cert. 34a, 35a.

Invoking federal jurisdiction under the Class Action Fairness Act of 2005 (CAFA), Dart removed the case to the U. S. District Court for the District of Kansas. CAFA gives federal courts jurisdiction over certain class actions, defined in §1332(d)(1), if the class has more than 100 members, the parties are minimally diverse, and the amount in controversy exceeds $5 million. §1332(d)(2), (5)(B); see *Standard Fire Ins. Co.* v. *Knowles*, 568 U. S. ___, ___ (2013) (slip op., at 3). Dart's notice of removal alleged that all three requirements were satisfied. With respect to the amount in controversy, Dart stated that the purported underpayments to putative class members totaled more than $8.2 million.

Owens moved to remand the case to state court. The notice of removal was "deficient as a matter of law," Owens asserted, because it included "no evidence" proving that the amount in controversy exceeded $5 million. App.

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