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18 **UNITED STATES DISTRICT COURT**

19 **CENTRAL DISTRICT OF CALIFORNIA**

20 ARASH PASHAEI, on behalf of himself
21 and all others similarly situated,

22 Plaintiffs,

23 v.

24 AMAZON.COM, INC., a Delaware corpora-
25 tion, and DOES 1–25, inclusive,

26 Defendants.

27 CASE NO. 2:20-CV-10995

28 **NOTICE OF REMOVAL BY
DEFENDANT AMAZON.COM, INC.**

[Removal from the Superior Court of
California for the County of Los Ange-
les, Case No. 20STCV28280]

1 **TO THE CLERK OF THE ABOVE-TITLED COURT, AND TO PLAINTIFF**
2 **ARASH PASHAEI AND HIS COUNSEL OF RECORD:**

3 PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §§ 1332, 1441, and
4 1446, Defendant Amazon.com, Inc., hereby removes this action from the Superior
5 Court of the State of California for the County of Los Angeles, where it is pending as
6 case number 20STCV28280, to the United States District Court for the Central District
7 of California.

8 This Court has original jurisdiction over this action under 28 U.S.C. § 1332(a)
9 and (d). Removal is proper for the reasons set out below.

10 **I. TIMELINESS OF REMOVAL**

11 1. Mr. Pashaei sued Amazon on July 27, 2020, in Los Angeles Superior
12 Court. His suit was assigned the case number 20STCV28280.

13 2. Mr. Pashaei did not attempt to serve Amazon personally. Instead, on Oc-
14 tober 18, 2020, he sent his complaint to Amazon along with a notice under California
15 Civil Code section 415.30. Amazon signed and returned that notice on November 6,
16 2020. Under California law, service was therefore complete on that date. Cal. Civ.
17 Proc. Code § 415.30(c).

18 3. This notice of removal is timely because it has been filed within 30 days
19 after service was completed. 28 U.S.C. § 1446(b).

20 **II. SUMMARY OF ALLEGATIONS**

21 4. Mr. Pashaei sued Amazon for discrimination based on national origin, cit-
22 izenship, and/or immigration status under California’s Unruh Civil Rights Act.

23 5. Mr. Pashaei alleges that “[t]o become a third-party seller on Amazon’s e-
24 commerce marketplace, all persons are required to fill out Amazon’s online third-party
25 seller application,” and that the application “requires the applicant to select his/her
26 ‘Country of citizenship’ and ‘Country of birth’ using a drop-down menu.” Compl.

27 ¶¶ 4–5.
28

1 6. Mr. Pashaei filed suit on behalf of a putative class of “all persons who
2 have been denied access to Amazon’s e-commerce marketplace as third-party sellers
3 due to their national origin, citizenship, and immigration status.” Compl. ¶ 24.

4 **III. THIS COURT HAS DIVERSITY JURISDICTION OVER THIS CASE**

5 7. This Court has subject matter jurisdiction over this case under 28 U.S.C.
6 § 1332(a) and (d).

7 8. The Court has jurisdiction under § 1332(a) because (1) there is complete
8 diversity of citizenship between Amazon and Mr. Pashaei and (2) the amount in con-
9 troversy exceeds \$75,000, exclusive of interest and costs.

10 9. Mr. Pashaei is a citizen of California and a resident of Los Angeles.
11 Compl. ¶ 13. Amazon is a citizen of Delaware, where it is incorporated, and of Wash-
12 ington, its principal place of business. *Id.* ¶ 14; 28 U.S.C. § 1332(c)(1).

13 10. The citizenship of Defendant Does 1 through 25 should be disregarded for
14 purposes of evaluating diversity. 28 U.S.C. § 1441(b)(1).

15 11. This case therefore meets § 1332(a)(1)’s requirement that the parties be
16 citizens of different states.

17 12. This case also meets the requirement that the matter in controversy “ex-
18 ceed[] the sum or value of \$75,000, exclusive of interest and costs.” 28 U.S.C.
19 § 1332(a). When a complaint seeks damages but does not state a specific amount, a
20 notice of removal “need include only a plausible allegation that the amount in contro-
21 versy exceeds the jurisdictional threshold.” *Dart Cherokee Basin Operating Co. v.*
22 *Owens*, 574 U.S. 81, 84, 89 (2014).

23 13. Mr. Pashaei does not make a specific demand for damages or otherwise
24 specify the amount in controversy, but it can reasonably be inferred that the amount
25 exceeds \$75,000, exclusive of interests and costs, for two reasons. First, Mr. Pashaei
26 seeks several species of damages, “including general damages for pain, suffering, emo-
27 tional distress, and special damages for lost compensation and lost benefits,” as well as
28 statutory treble damages, punitive damages, and attorneys’ fees. Compl. at 7. Second,

1 in a stipulation filed in the Los Angeles Superior Court on October 28, 2020, Mr. Pa-
2 shaei “agree[d] that this case is removable to federal court under 28 U.S.C. § 1332.”
3 Hamburger Decl., Ex. A at 1. The case would not be removable under § 1332 if the
4 amount-in-controversy threshold of \$75,000 were not met.

5 14. This case also satisfies the requirements of removal under the Class Ac-
6 tion Fairness Act (“CAFA”), as codified in § 1332(d). CAFA gives district courts ju-
7 risdiction over class actions when (1) the number of putative class members is 100 or
8 greater; (2) there is diversity of citizenship between one or more plaintiffs and one or
9 more defendants; and (3) the amount in controversy exceeds \$5 million, exclusive of
10 interests and costs. U.S.C. § 1332(d).

11 15. First, although the complaint does not specify the number of putative class
12 members, that number plausibly exceeds 100. Mr. Pashaei filed this suit on behalf of
13 all persons in California “who have been denied access to Amazon’s e-commerce mar-
14 ketplace as third-party sellers due to their national origin, citizenship, and immigration
15 status”—a group “so numerous that joinder of all such persons is impractical.” Compl.
16 ¶¶ 24–25. Foreign-born persons account for over a quarter of California’s population.
17 Hamburger Decl., Ex. B. If even a small percentage of foreign-born persons residing
18 in California tried unsuccessfully to create third-party-seller accounts, the putative
19 class would be larger than 100.

20 16. Second, to satisfy CAFA’s diversity requirement, at least one putative
21 class member must be a citizen of a state different from that of one defendant. 28
22 U.S.C. § 1332(d)(2)(A). Because Amazon is a citizen of Washington and Delaware,
23 and because Mr. Pashaei is a citizen of California, this requirement is satisfied. *See*
24 ¶ 9, *supra*.

25 17. Third, although Amazon denies that it is liable to Mr. Pashaei and the pu-
26 tative class for any amount, Mr. Pashaei’s complaint puts at least \$5,000,000 in contro-
27 versy. Mr. Pashaei seeks actual damages, treble, statutory, and punitive damages, as
28 well as attorneys’ fees, on behalf of the putative class. The claimed statutory damages

1 alone—\$4,000 per class member (Compl. ¶ 37)—would exceed \$5,000,000 in toto if
2 the class has only 1,250 members.

3 **IV. VENUE**

4 18. The United States District Court for Central District of California, West-
5 ern Division, is the federal judicial district in which the Los Angeles County Superior
6 Court sits. This action was originally filed in the Los Angeles County Superior Court,
7 rendering venue in this federal judicial district and division proper. 28 U.S.C. § 84(c);
8 *see also* 28 U.S.C. § 1441(a).

9 **V. CONCLUSION**

10 19. For the foregoing reasons, Amazon removes this action to this Court.

11
12
13 Dated: December 2, 2020

GIBSON, DUNN & CRUTCHER LLP

14 By: /s/ Rachel S. Brass

15 *Attorneys for Defendant Amazon.com, Inc.*
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