

JS-6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case Nos.

Date: December 21, 2015

SACV 15-1036-JLS (DFMx)  
SACV 15-854-JLS (DFMx)  
SACV 15-1109-JLS (DFMx)  
SACV 15-1145-JLS (DFMx)  
CV 15-5262-JLS (DFMx)

Titles: Luann Benton v. Pennysaver USA, LLC, et al  
Dinah Griffin et al v. Pennysaver USA, LLC et al  
Malloy Mitra et al v. Opengate Capital, LLC et al  
Sergio Arias et al v. OpenGate Capital LLC et al  
Mary Carter et al v. Opengate Capital, LLC

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Present: **Honorable JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE**

Terry Guerrero  
Deputy Clerk

N/A  
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF:    ATTORNEYS PRESENT FOR DEFENDANT:

Not Present

Not Present

**PROCEEDINGS:    (IN CHAMBERS) ORDER REFERRING FIVE RELATED CASES  
TO THE BANKRUPTCY COURT OF THE CENTRAL DISTRICT  
OF CALIFORNIA**

Pending before the Court are five related cases, identified above by name and case number. The five cases, each of which is a putative class action, involve many of the same parties and arise from the same underlying set of facts: namely, the allegedly unlawful termination of employees on or around May 22, 2015. Four of the cases – *Benton*, *Mitra*, *Arias*, and *Carter* – were initially filed in California Superior Court before being removed. The jurisdictional basis for removal in each of these cases was 28 U.S.C. § 1334(b), which, in relevant part, affords the Court subject matter jurisdiction over certain cases that are “related to” bankruptcy proceedings. The fifth case – *Griffin* – was filed directly in this Court on the basis of 28 U.S.C. § 1331 and 29 U.S.C. § 1332(d) (the “Class Action Fairness Act”).

Pursuant to General Order No. 13-05, issued July 1, 2013, courts in the Central District of California “refer[] to the bankruptcy judges for the Central District of California all cases under

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Title 11 of the United States Code (“Title 11”) and all proceedings arising under Title 11 or arising in or related to a case under Title 11.” C.D. Cal. Gen. Order No. 13-05. *See also In re Mitchell*, 206 B.R. 204, 207-08 (C.D. Cal. 1997) (discussing application of automatic referral under a prior General Order and concluding that automatic referral occurs immediately upon the filing of a Notice of Removal). Pursuant to General Order No. 13-05, the Court refers all five cases – *Benton*, *Mitra*, *Arias*, *Carter*, and *Griffin* – to the bankruptcy court of the Central District of California.

The Court recognizes that the Complaint in *Griffin* does not assert subject matter jurisdiction pursuant to § 1334(b). However, the Court may consider any basis for subject matter jurisdiction so long as “the facts alleged in [the complaint] are sufficient to establish such jurisdiction and the complaint appeared jurisdictionally correct when filed.” *Andrus v. Charleston Stone Products Co., Inc.*, 436 U.S. 604, 607 n.6 (1978) (citations omitted). Therefore, having considered the allegations in *Griffin*, the Court concludes that jurisdiction under § 1334(b) is proper.

Accordingly, the Court REFERS the above-titled cases to the bankruptcy court of the Central District of California.

Initials of Preparer: tg

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