

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Diana Pauline Avila v. National Distribution Center, LLC

Avila v. National Distribution Center, LLC, No. EDCV 25-667-KK-DTBx (C.D. Cal. June 5, 2025) · No. EDCV
25-667-KK-DTBx · Decided June 5, 2025

SUMMARY

The United States District Court for the Central District of California denied Diana Pauline Avila’s motion to remand an employment-related action to state court. The court held that complete diversity existed and that defendants established an amount in controversy exceeding \$75,000 based principally on projected past lost wages, thereby establishing diversity jurisdiction.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Kenly Kiya Kato
JURISDICTION	United States District Court for the Central District of California
DECIDED	June 5, 2025
DOCKET	EDCV 25-667-KK-DTBx
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to remand an employment-related action removed from Riverside County Superior Court on the basis of diversity jurisdiction.
STANDARD OF REVIEW	The removing defendants bore the burden of establishing that removal was proper. Because the amount in controversy was contested, the court determined by a preponderance of the evidence whether the jurisdictional requirement was satisfied, considering declarations and other summary-judgment-type evidence and resolving doubts against removal jurisdiction.
PRECEDENTIAL VALUE	unpublished district court order; persuasive value only
PARTIES	Diana Pauline Avila v. National Distribution Center, LLC, NFI Interactive Logistics, LLC, NFI Management Services, LLC

TOPICS

subject matter jurisdiction

civil procedure

employment discrimination

ada / disability

age discrimination

PRACTICE AREAS

civil procedure

employment law

civil rights

disability discrimination

age discrimination

QUESTIONS PRESENTED

1. Whether complete diversity of citizenship existed between Plaintiff and Defendants.
2. Whether Defendants established by a preponderance of the evidence that the amount in controversy exceeded \$75,000 for purposes of diversity jurisdiction.
3. Whether potential mitigation of damages reduced the amount in controversy at the time of removal.

HOLDINGS

1. Complete diversity existed because Plaintiff was a California citizen and Defendants were alleged to be Delaware-organized entities with citizenship in states other than California.
2. Defendants established by a preponderance of the evidence that the amount in controversy exceeded \$75,000 because Plaintiff's projected past lost wages alone totaled \$80,010.40, based on a \$19.42 hourly wage and a 40-hour workweek over 103 weeks.
3. Potential mitigation of damages did not reduce the amount in controversy because mitigation is an affirmative defense and Plaintiff submitted no evidence of mitigation.

KEY QUOTATIONS

"A defendant seeking removal has the burden to establish that removal is proper and any doubt is resolved against removability." (Section III)

"When a plaintiff contests the amount in controversy allegation, 'both sides submit proof and the court decides, by a preponderance of the evidence, whether the amount-in-controversy requirement has been satisfied.'" (Section IV.1)

"However, 'a defendant cannot establish removal jurisdiction by mere speculation and conjecture[.]'" (Section IV.2)

FACTUAL BACKGROUND

Avila was employed as a quality control auditor beginning in approximately February 2016. She suffered a disabling workplace injury in June 2021, requested reasonable accommodations, went on medical leave, and was terminated on March 20, 2023, while still on leave. Her complaint alleged age- and disability-related employment claims and sought lost wages, emotional-distress and punitive damages, statutory penalties, interest, costs, and attorney fees.

PROCEDURAL HISTORY

Plaintiff filed state-law employment claims in Riverside County Superior Court on December 30, 2024. Defendants removed the action to federal court on March 13, 2025, asserting complete diversity and an amount in controversy exceeding \$75,000. Plaintiff moved to remand; after briefing, the district court denied the motion.

DISPOSITION

other

CASES CITED

- Kokkonen v. Guardian Life Ins. Co., 511 U.S. 375, 377 (1994)
- Chavez v. JPMorgan Chase & Co., 888 F.3d 413, 415 (9th Cir. 2018)
- Luther v. Countrywide Home Loans Servicing LP, 533 F.3d 1031, 1034 (9th Cir. 2008)
- Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)
- Ibarra v. Manheim Invs., Inc., 775 F.3d 1193, 1197 (9th Cir. 2015)
- Jauregui v. Roadrunner Transp. Servs., Inc., 28 F.4th 989, 992 (9th Cir. 2022)
- Dart Cherokee Basin Operating Co., LLC v. Owens, 574 U.S. 81, 87 (2014)
- Harris v. KM Indus., Inc., 980 F.3d 694, 701 (9th Cir. 2020)
- Munoz v. Nippon Express U.S.A., Inc., No. 2:24-CV-11033-FLA-AGRx, 2025 WL 947898, at *2 (C.D. Cal. Mar. 28, 2025)
- Angello v. Target Corp., No. 5:23-CV-01097-FLA-DTBx, 2024 WL 3821493, at *2 (C.D. Cal. Aug. 12, 2024)
- Jackson v. Compass Grp. USA, Inc., No. CV-19-4678-PSG-GJSx, 2019 WL 3493991, at *4 (C.D. Cal. July 31, 2019)
- Perez v. Alta-Dena Certified Dairy, LLC, 647 F. App'x 682, 684 (9th Cir. 2016)
- Favela v. Lowe's Home Centers, Inc., No. 2:25-CV-00128-MAA, 2025 WL 879913, at *2 (C.D. Cal. Mar. 21, 2025)
- Reyes v. Staples Off. Superstore, LLC, No. CV 19-07086-CJC-SKx, 2019 WL 4187847, at *3 (C.D. Cal. Sept. 3, 2019)