

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Yan v. Vdovicenco, et al.

Yan v. Vdovicenco · No. 25-cv-09993-LJC · Decided January 12, 2026

SUMMARY

The United States District Court for the Northern District of California grants Weiqing Yan’s motion to remand an unlawful detainer action to Alameda County Superior Court. The court concludes that the second removal was untimely and that the defendant’s reliance on the Protecting Tenants at Foreclosure Act as a defense or counterclaim did not establish federal-question jurisdiction; the court awards Yan \$1,800 in attorney’s fees.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Lisa J. Cisneros
JURISDICTION	United States District Court for the Northern District of California
DECIDED	January 12, 2026
DOCKET	25-cv-09993-LJC
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff moved to remand a removed California unlawful-detainer action and sought attorney's fees under 28 U.S.C. § 1447(c).
STANDARD OF REVIEW	The removing defendant bears the burden of establishing federal jurisdiction. The court evaluated the propriety of removal and the fee request under 28 U.S.C. §§ 1446(b) and 1447(c), applying the objectively reasonable basis standard for attorney's fees.
PRECEDENTIAL VALUE	unpublished

TOPICS

- subject matter jurisdiction
- civil procedure
- attorney fees
- eviction
- landlord tenant

PRACTICE AREAS

- civil procedure
- real estate
- landlord tenant
- remedies

QUESTIONS PRESENTED

1. Whether Defendant's second removal was timely under 28 U.S.C. § 1446(b).
2. Whether the state-law unlawful-detainer complaint presented a federal question sufficient to support federal jurisdiction under 28 U.S.C. § 1331.
3. Whether Plaintiff was entitled to attorney's fees under 28 U.S.C. § 1447(c), and if so, in what amount.

HOLDINGS

1. The second removal was untimely because Defendant had received the complaint more than thirty days before filing the November 20, 2025 notice of removal.
2. The court lacked federal-question jurisdiction because Plaintiff's complaint asserted only a California unlawful-detainer claim and did not present a federal question on its face.
3. The action had to be remanded to Alameda County Superior Court because Defendant failed to establish federal subject-matter jurisdiction.
4. Plaintiff was entitled to attorney's fees because the second removal lacked an objectively reasonable basis, but the requested amount was reduced to \$1,800.

KEY QUOTATIONS

“The presence or absence of federal-question jurisdiction is governed by the ‘well-pleaded complaint rule,’ which provides that federal jurisdiction exists only when a federal question is presented on the face of the plaintiff’s properly pleaded complaint.” (Opinion at 10)

“[A] case may not be removed to federal court on the basis of a federal defense or federal counterclaim.” (Opinion at 10)

“Absent unusual circumstances, courts may award attorney’s fees under § 1447(c) only where the removing party lacked an objectively reasonable basis for seeking removal.” (Opinion at 14)

FACTUAL BACKGROUND

Plaintiff alleged that she purchased the Oakland property at a foreclosure trustee's sale in January 2025 and filed an unlawful-detainer action to evict the occupants. Vdovicenco asserted that he was a tenant and claimed that the eviction violated the Protecting Tenants at Foreclosure Act. After an earlier removal was remanded, Vdovicenco removed the action again on substantially the same federal-question theory. Plaintiff sought remand and \$5,265 in attorney's fees.

PROCEDURAL HISTORY

Plaintiff filed an unlawful-detainer action in Alameda County Superior Court. Defendant Vdovicenco removed the action to federal court, and Judge Donato previously remanded it after finding no federal-question or diversity jurisdiction. Vdovicenco removed the action a second time, asserting that the Protecting Tenants at Foreclosure Act created federal-question jurisdiction. The court granted Plaintiff's motion to remand and awarded \$1,800 in attorney's fees.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The Clerk of Court shall remand the case to Alameda County Superior Court. Defendant shall pay \$1,800 in attorney's fees to Plaintiff under 28 U.S.C. § 1447(c).

CASES CITED

- Yan v. Smith, No. 25-cv-06481-JD, 2025 WL 3199417 (N.D. Cal. Oct. 21, 2025)
- California ex rel. Lockyer v. Dynegy, Inc., 375 F.3d 831, 838 (9th Cir. 2004), opinion amended on denial of reh'g, 387 F.3d 966 (9th Cir. 2004)
- Caterpillar Inc. v. Williams, 482 U.S. 386, 392-393 (1987)
- Gully v. First National Bank, 299 U.S. 109, 112-113 (1936)
- Vaden v. Discover Bank, 556 U.S. 49, 60 (2009)
- Martin v. Franklin Capital Corp., 546 U.S. 132, 141 (2005)
- Gardner v. UICI, 508 F.3d 559, 562 (9th Cir. 2007)
- Wells Fargo Bank, N.A. v. Lombera, No. C12-03496, 2012 WL 3249497, at *2 (N.D. Cal. Aug. 7, 2012)
- Clements v. Ivory, No. 24-cv-04601, 2025 WL 753200, at *1-*2 (N.D. Cal. Feb. 18, 2025)
- AvalonBay Communities, Inc. v. LaRosa, No. 24-cv-03044, 2024 WL 3740123, at *3 (N.D. Cal. July 18, 2024), recommendation adopted, 2025 WL 1489715 (N.D. Cal. May 23, 2025)
- Smith v. Smith, No. 21-cv-08691, 2021 WL 5585717, at *1 (N.D. Cal. Nov. 30, 2021)
- Hensley v. Eckerhart, 461 U.S. 424, 433 (1983)
- Moore v. Permanente Medical Group, Inc., 981 F.2d 443, 447 (9th Cir. 1992)