

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Dr. Sanford Alan Kellman v. The Home Depot, LLC

Kellman · No. 25-cv-06974-JST · Decided November 6, 2025

SUMMARY

The United States District Court for the Northern District of California denied Sanford Alan Kellman’s motion to remand, holding that Home Depot’s removal was timely. Because the 30-day removal period ended on a Saturday, Federal Rule of Civil Procedure 6(a) extended the deadline to the following Monday. The court also denied Home Depot’s request for sanctions because it was not separately filed and noticed.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Jon S. Tigar
JURISDICTION	United States District Court for the Northern District of California
DECIDED	November 6, 2025
DOCKET	25-cv-06974-JST
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to remand a removed civil action, arguing that Defendant's notice of removal was untimely. Defendant also requested sanctions in its opposition brief.
STANDARD OF REVIEW	The court applied the statutory and procedural rules governing the timeliness of removal and the filing of sanctions motions; no deferential standard of review was stated.
PRECEDENTIAL VALUE	Unknown
PARTIES	Dr. Sanford Alan Kellman v. The Home Depot, LLC

TOPICS

- civil procedure
- sanctions

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether a notice of removal filed on the Monday following a Saturday deadline is timely under Federal Rule of Civil Procedure 6(a) and 28 U.S.C. § 1446(b)(1).
2. Whether Defendant's request for sanctions made only in its opposition brief was procedurally proper under Civil Local Rule 7-8(a).

HOLDINGS

1. Federal Rule of Civil Procedure 6(a) governs computation of the removal deadline because 28 U.S.C. § 1446 does not specify a method for computing time. When the last day falls on a Saturday, the period continues until the next day that is not a Saturday, Sunday, or legal holiday; therefore, Home Depot's filing on Monday, August 18, was timely and remand was unwarranted.
2. The sanctions request was procedurally improper because Civil Local Rule 7-8(a) requires a sanctions motion to be separately filed and noticed for hearing.

KEY QUOTATIONS

“Where, as here, “the last day of the period” falls on a Saturday, “the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.”” (at 1-2)

“Under Civil Local Rule 7-8(a), any motion for sanctions must be separately filed and noticed for hearing.” (at 3)

FACTUAL BACKGROUND

The parties agreed that the last day of the thirty-day removal period under 28 U.S.C. § 1446(b)(1) fell on Saturday, August 16, 2025. Home Depot filed its notice of removal on Monday, August 18, 2025. Plaintiff argued that removal was untimely because the court's electronic filing system was available over the weekend, while Home Depot requested sanctions only in its opposition brief.

PROCEDURAL HISTORY

Home Depot removed the action to the Northern District of California. Plaintiff moved to remand after Home Depot filed its notice of removal on Monday, August 18, 2025, although the thirtieth day after receipt of the complaint fell on Saturday, August 16, 2025. The court denied the motion to remand and separately denied Home Depot's sanctions request as procedurally improper.

DISPOSITION

other

CASES CITED

- Doe #1400 v. Stanford Health Care, No. 5:24-cv-09359-BLF, 2025 WL 356496, at *4 (N.D. Cal. Jan. 31, 2025)
- Rangel v. Jaguar Land Rover N. Am. LLC, No. 2:24-cv-02827-MRA-PD, 2024 WL 4869154, at *3 (C.D. Cal. Nov. 22, 2024)
- Haynie v. Sysouvanh, No. 2:23-cv-01077-KJM-CKD P, 2023 WL 5534342, at *1 (E.D. Cal. Aug. 28, 2023)
- Pilger v. Potter, No. 2:20-cv-01600-JAD-EJY, 2021 WL 2188801, at *4 n.50 (D. Nev. May 28, 2021)
- Allen v. Toyota Motor Credit Corp., No. 19-cv-03062-SK, 2019 WL 10944853, at *2 (N.D. Cal. Aug. 1, 2019)
- Sun v. Bank of Am. Corp., No. 2:25-CV-04786-HDV-MAR, 2025 WL 2507018, at *1 (C.D. Cal. Sept. 2, 2025)

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
 DR. SANFORD ALAN KELLMAN, Case No. 25-cv-06974-JST 8 Plaintiff, ORDER DENYING
 PLAINTIFF'S 9 v. MOTION TO REMAND 10 THE HOME DEPOT, LLC, Re: ECF No. 7
 Defendant. 11 12 13 Before the Court is Plaintiff Sanford Alan Kellman's motion to remand based
 on his 14 contention that Defendant Home Depot's¹ removal was untimely.

ECF No. 7. The Court finds 15 this matter suitable for resolution without oral argument, see Fed.
 R. Civ. P. 78(b); Civil 16 L.R. 7-1(b), and will deny the motion. 17 A defendant must file a notice
 of removal "within 30 days after the receipt by the 18 defendant, through service or otherwise," of
 the complaint. 28 U.S.C. § 1446(b)(1).

The parties 19 agree that the last day of this 30-day period fell on Saturday, August 16, 2025, and
 that Home 20 Depot did not file its notice of removal until Monday, August 18, 2025. 21 The
 removal statute does not "specify a method of computing time," so Rule 6(a) of the 22 Federal
 Rules of Civil Procedure governs. Fed. R. Civ. P. 6(a). Where, as here, "the last day of 23 the
 period" falls on a Saturday, "the period continues to run until the end of the next day that is not 24
 a Saturday, Sunday, or legal holiday." Fed.

R. Civ. P. 6(a)(1)(C). Accordingly, Home Depot had 25 until Monday, August 18, to file its notice
 of removal, and its removal was therefore timely. 26 Kellman argues that Rule 6(a) does not apply
 because the Court's electronic filing system 27 1 is available on weekends; because removal
 statutes are construed strictly against federal 2 || jurisdiction; and because a federal procedural rule
 cannot create jurisdiction.

However, he cites no 3 authority, and the Court is aware of none, holding that Rule 6(a) does not
 apply in the age of 4 || electronic filing or to calculating the end of the removal period specified in
 Section 1446.

To the contrary, courts in this district and elsewhere have consistently held that when the end of the statutory removal period falls on a Saturday, the deadline to file the notice of removal is the following Monday, assuming that date is not a court holiday. E.g., *Doe #1400 v. Stanford Health Care*, No. 5:24-cv-09359-BLF, 2025 WL 356496, at *4 (N.D.

Cal. Jan. 31, 2025); *Rangel v. 9 Jaguar Land Rover N. Am. LLC*, No. 2:24-cv-02827-MRA-PD, 2024 WL 4869154, at *3 10 (C.D. Cal. Nov. 22, 2024); *Haynie v. Sysouvanh*, No. 2:23-cv-01077-KJM-CKD P, 2023 WL 11 5534342, at *1 (E.D. Cal. Aug. 28, 2023); *Pilger v. Potter*, No. 2:20-cv-01600-JAD-EJY, 2021 12 WL 2188801, at *4 n.50 (D. Nev. May 28, 2021); *Allen v. Toyota Motor Credit Corp.*, No. 19-cv- 5 13 03062-SK, 2019 WL 10944853, at *2 (N.D.

Cal. Aug. 1, 2019); see also *Sun v. Bank of Am. 14 Corp.*, No. 2:25-CV-04786-HDV-MAR«x, 2025 WL 2507018, at *1 (C.D. Cal. Sept. 2, 2025) 3 15 (where the last day of the 30-day removal period fell on the Saturday before the Memorial Day a 16 holiday, “the removal deadline was the next court day following the weekend and Memorial Day” 3 17 (emphasis omitted)).

18 Kellman’s motion to remand is denied. 19 Defendant’s request for sanctions, made only in its opposition brief, ECF No. 15 at 4, is 20 denied as procedurally improper. Under Civil Local Rule 7-8(a), any motion for sanctions must 21 be separately filed and noticed for hearing. 22 IT IS SO ORDERED. 23 Dated: November 6, 2025. 24 JON S. TIGA 5 United States District Judge 26 27 28