

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

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 5 contrary, courts in this district and elsewhere have consistently held that when the end of
the 6 statutory removal period falls on a Saturday, the deadline to file the notice of removal is the
7 || following Monday, assuming that date is not a court holiday. E.g., Doe #1400 v. Stanford
Health 8 || 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