

**UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF  
CALIFORNIA**

**Stephanie Emily Villalvazo v. J.B. Hunt Transport, Inc., et al.**

Villalvazo · No. 5:24-cv-02241-FLA (DTBx) · Decided September 25, 2025

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**OPINION**

1 JS-6 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF  
CALIFORNIA 10 11 STEPHANIE EMILY VILLALVAZO, Case No. 5:24-cv-02241-FLA  
(DTBx) 12 Plaintiff, ORDER REMANDING ACTION 13 v. [DKTS. 13, 15] 14 J.B. HUNT  
TRANSPORT, INC., et al., 15 Defendants. 16 17 18 19 20 21 22 23 24 25 26 27 28 1 RULING 2  
On April 10, 2023, Plaintiff Stephanie Emily Villalvazo (“Plaintiff” or 3 “Villalvazo”) filed the  
Complaint in the San Bernardino County Superior Court, 4 asserting three causes of action against  
Defendants J.B.

Hunt Transport, Inc. (“J.B. 5 Hunt” or “Defendant”) and Mason Paul Cobbs (“Cobbs”)1 for: (1)  
negligence; (2) 6 negligent entrustment; and (3) negligent hiring, retention, training, and  
supervision. 7 Dkt. 3-1 at 3–9 (“Compl.”).2 8 On October 21, 2024, J.B. Hunt removed the action  
to this court alleging the 9 existence of diversity jurisdiction under 28 U.S.C. § 1332.

Dkt. 1 (“NOR”). On 10 November 20, 2024, Plaintiff filed the subject Motion to Remand  
 (“Motion”) without 11 a supporting memorandum. Dkt. 13. On November 21, 2024, Plaintiff filed  
a Notice 12 of Errata (Dkt. 14), stating the Motion “was filed incorrectly using the wrong category  
13 of document,” and re-filed the Motion along with a supporting memorandum (Dkt.

14 15). On December 20, 2024, Defendant filed its Opposition to the Motion. Dkt. 27. 15 On  
January 9, 2025, the court found the matter appropriate for decision without oral 16 argument and  
vacated the January 10, 2025 hearing on the Motion. Dkt. 32; see also 17 Fed. R. Civ. P. 78(b);  
Local Rule 7-15. 18 For the reasons stated herein, the court GRANTS the Motion and REMANDS  
19 the action to San Bernardino County Superior Court, Case No. CIV SB 2308385.

20 DISCUSSION 21 I. Legal Standard 22 Federal courts are courts of “limited jurisdiction,”  
possessing “only that power 23 authorized by [the] Constitution and statute, which is not to be  
expanded by judicial 24 decree.” *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377  
(1994) 25 26 1 The parties state Defendant Cobbs passed away on or around March 31, 2024.

Dkt. 15 at 4; Dkt. 27 at 3. 27 2 The court cites documents by the page numbers added by the  
CM/ECF system rather 28 than any page numbers listed on the documents natively. 1 (citations  
omitted); U.S. Const. art. III, § 2, cl. 1. District courts are presumed to lack 2 jurisdiction unless

the contrary appears affirmatively from the record. 3 *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 342 n. 3 (2006).

Additionally, federal 4 courts have an obligation to examine jurisdiction sua sponte before proceeding to the 5 merits of a case. See *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 583 (1999). 6 Most commonly, federal courts have subject matter jurisdiction where: (1) an 7 action arises under federal law (federal question jurisdiction), 28 U.S.C. § 1331; or (2) 8 the amount in controversy exceeds \$75,000, exclusive of interest and costs, and the 9 citizenship of each plaintiff is diverse from that of each defendant (diversity 10 jurisdiction), 28 U.S.C. § 1332(a).

Except as otherwise provided by an act of 11 Congress expressly, “any civil action brought in a State court of which the district 12 courts of the United States have original jurisdiction[] may be removed by the 13 defendant or the defendants” to the district court for the district and division where the 14 action is pending. 28 U.S.C. § 1441(a). 15 II. Analysis 16 28 U.S.C. § 1446 (“§ 1446”) provides in relevant part: 17 (b) Requirements; generally. ... 18 (3) Except as provided in subsection (c), if the case stated by the initial pleading is not removable, a notice of removal may be filed 19 within 30 days after receipt by the defendant, through service or 20 otherwise, of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is 21 one which is or has become removable. ... 22 (c) Requirements; removal based on diversity of citizenship.

23 (1) A case may not be removed under subsection (b)(3) on the 24 basis of jurisdiction conferred by [28 USCS § 1332] more than 1 year after commencement of the action, unless the district court 25 finds that the plaintiff has acted in bad faith in order to prevent a 26 defendant from removing the action. 27 28 U.S.C. § 1446(b)(3), (c)(1). 28 / / / 1 Plaintiff moves to remand the action on the grounds that Defendant did not file 2 the Notice of Removal within one-year of the filing of the Complaint, as required 3 under § 1446(c)(1) (“§ 1446”).

Dkt. 15 at 7–8.3 Defendant raises two main 4 arguments in response. 5 First, Defendant contends Plaintiff waived her right to object to these 6 procedural defects because she did not file the Motion within 30 days of the filing of 7 the Notice of Removal. Dkt. 27 at 5–6 (citing 28 U.S.C. § 1447(c)).

The court 8 disagrees. Plaintiff filed the subject Motion on November 20, 2024 (Dkt. 13), which 9 was 30 days after J.B. Hunt filed the Notice of Removal on October 21, 2024 (Dkt. 1). 10 Although Plaintiff misidentified the type of document she filed on the court’s 11 CM/ECF system and omitted the supporting memorandum of points and authorities in 12 her initial filing (Dkt.

13), the court excuses these procedural defects as the Motion, 13 itself, was timely filed and Defendant was not prejudiced by the delay particularly 14 given that the memorandum was filed

the day after the Motion (Dkt. 15) and counsel 15 had already met and conferred about the Motion in accordance with Local Rule 7-3, 16 Dkt. 13 at 2. Defendant's argument, thus, fails.

17 Second, Defendant contends the 1-year time limit on removal under subsection 18 (c) should not be dispositive, because Plaintiff did not serve the Complaint on J.B. 19 Hunt until August 20, 2024—after the 1-year period had expired. Dkt. 27 at 2, 6.

The 20 court, again, disagrees. Pursuant to § 1446(c), this action is not removable under 21 §1446(b)(3) unless the court finds Plaintiff "acted in bad faith in order to prevent 22 [Defendant] from removing the action." Plaintiff's counsel, Quinn D. Graham 23 ("Graham"), attests the parties began settlement discussions before Plaintiff filed the 24 25 3 Plaintiff additionally argues the removal was untimely if removed under 26 § 1446(b)(1).

Dkt. 15 at 6. Defendant responds subsection (b)(1) "has no bearing 27 here as J.B. Hunt had no knowledge of the removability of this action at the time that it answered." Dkt. 27 at 4. As Defendant admits it did not remove the action on this 28 basis, the court need not address the parties' arguments regarding § 1446(b)(1). | | Complaint on April 10, 2023, and that "Defense counsel requested Plaintiff's Counsel 2 | not... serve the Complaint until after the [May 13, 2024] mediation to avoid any 3 | unnecessary filing of Defendant's Answer." Dkt.

15-1 (Graham Decl.) 11, 14-15. 4 || Defendant does not dispute it was aware of the Complaint when it was filed or that 5 | Plaintiff delayed service of process at Defendant's request. See Dkt. 27. Defendant, 6 | thus, fails to establish Plaintiff "acted in bad faith in order to prevent [J.B. Hunt] from 7 || removing the action." See 28 U.S.C. § 1446(c)(1). 8 Accordingly, the removal was untimely. /d.

9 CONCLUSION 10 For the reasons stated herein, the court GRANTS the Motion and REMANDS 11 | the action to the San Bernardino County Superior Court, Case No. CIV SB 2308385. 12 | Having granted the Motion for the reasons stated, the court need not address the 13 | parties' remaining arguments. 14 15 IT IS SO ORDERED. 16 17 | Dated: September 25, 2025 18 =z) FERNANDO L. AENLLE-ROCHA 20 United States District Judge 21 22 23 24 25 26 27 28