

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Marinaj Properties LLC v. Kevin Realworldfare et al.

Marinaj Properties · No. 5:25-cv-01450-SSS-SPx · Decided July 24, 2025

SUMMARY

The United States District Court for the Central District of California grants Marinaj Properties LLC’s motion to remand a quiet title action to Riverside County Superior Court. The court concludes that Defendant Kevin Realworldfare’s removal was untimely under 28 U.S.C. § 1446 and denies the request for attorney’s fees. The court also denies the remaining pending motions as moot and vacates the scheduled hearing.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Sunshine S. Sykes
JURISDICTION	United States District Court for the Central District of California
DECIDED	July 24, 2025
DOCKET	5:25-cv-01450-SSS-SPx
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff moved to remand a quiet title action removed from Riverside County Superior Court, and requested attorney's fees under 28 U.S.C. § 1447(c).
STANDARD OF REVIEW	Removal statutes are strictly construed, there is a strong presumption against removal, and the removing defendant bears the burden of establishing that removal was proper. A motion to remand based on a defect other than lack of subject matter jurisdiction must be filed within 30 days after the notice of removal. Attorney's-fee awards under 28 U.S.C. § 1447(c) are discretionary.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order
PARTIES	Kevin Realworldfare v. Marinaj Properties LLC

TOPICS

- civil procedure
- subject matter jurisdiction
- quiet title
- attorney fees
- real estate

PRACTICE AREAS

civil procedure

real estate

remedies

QUESTIONS PRESENTED

1. Whether Defendant's removal of the state-court quiet title action was timely under 28 U.S.C. § 1446.
2. Whether the action should be remanded to state court because the removal was untimely.
3. Whether Plaintiff was entitled to attorney's fees under 28 U.S.C. § 1447(c) after remand.

HOLDINGS

1. The removal was untimely because Defendant received the complaint no later than March 22, 2025, but did not remove the action until June 10, 2025, well after the 30-day period expired.
2. Plaintiff was not awarded attorney's fees under 28 U.S.C. § 1447(c).

KEY QUOTATIONS

“The removal statute is strictly construed, and any doubt about the right of removal requires resolution in favor of remand.”

“If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.”

“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. Conversely, when an objectively reasonable basis exists, fees should be denied.”

FACTUAL BACKGROUND

Marinaj Properties LLC brought a quiet title action against Kevin Realworldfare in Riverside County Superior Court on February 26, 2025. Realworldfare responded to the complaint on March 22, 2025, demonstrating that he had received the complaint by that date. He did not remove the action until June 10, 2025, after the statutory 30-day removal period had expired.

PROCEDURAL HISTORY

Marinaj Properties LLC filed a quiet title action in Riverside County Superior Court on February 26, 2025. Kevin Realworldfare removed the action to the Central District of California on June 10, 2025. The district court granted the motion to remand, denied attorney’s fees, denied the remaining pending motions as moot, and ordered the case returned to Riverside County Superior Court.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The case was ordered remanded to the Superior Court of the State of California in and for the County of Riverside. All other pending motions were denied as moot.

CASES CITED

- Moore-Thomas v. Alaska Airlines, Inc., 553 F.3d 1241, 1244 (9th Cir. 2009)
- Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)
- Harris v. Bankers Life and Cas. Co., 425 F.3d 689, 694 (9th Cir. 2005)
- Harris v. Cnty. of Orange, 682 F.3d 1126, 1132 (9th Cir. 2012)
- Prado v. Dart Container Corp. of California, 373 F. Supp. 3d 1281, 1285–86 (N.D. Cal. 2019)
- Jakuttis v. Allstate Indem. Co., No. EDCV 15-0624 JGB (KKx), 2015 WL 3442083, at *2 (C.D. Cal. May 27, 2015)
- Fristoe v. Reynolds Metals Co., 615 F.2d 1209, 1212 (9th Cir. 1980)
- Moore v. Permanente Medical Group, Inc., 981 F.2d 443, 447 (9th Cir. 1992)
- Martin v. Franklin Capital Corp., 546 U.S. 132, 141 (2005)
- Gardner v. UICI, 508 F.3d 559, 561 (9th Cir. 2007)