

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Briana White v. HUB International Midwest Limited

White · No. EDCV 25-800 PA (JDEx) · Decided April 23, 2025

SUMMARY

The United States District Court for the Central District of California held that the defendant failed to plausibly establish the plaintiff's citizenship for purposes of diversity jurisdiction because the removal allegations showed only residence, not domicile. The court granted the plaintiff's motion to remand and remanded the action to Riverside County Superior Court for lack of subject matter jurisdiction.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Percy Anderson
JURISDICTION	United States District Court for the Central District of California
DECIDED	April 23, 2025
DOCKET	EDCV 25-800 PA (JDEx)
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendant removed the action from Riverside County Superior Court based on asserted diversity jurisdiction. After a status conference and supplemental briefing concerning Plaintiff's citizenship, Plaintiff sought remand.
STANDARD OF REVIEW	The removing party bears the burden of establishing federal jurisdiction, and removal statutes are strictly construed against removal jurisdiction. Federal jurisdiction must be rejected when there is doubt about the right of removal.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is unknown and no reporter citation appears.
PARTIES	HUB International Limited, erroneously sued as HUB International Midwest Limited dba HUB International Limited v. Briana White

TOPICS

- subject matter jurisdiction
- civil procedure

PRACTICE AREAS

civil procedure

employment law

QUESTIONS PRESENTED

1. Whether Defendant plausibly established complete diversity of citizenship by showing that Plaintiff was domiciled in California rather than merely residing there.
2. Whether the action should be remanded under 28 U.S.C. § 1447(c) for lack of subject matter jurisdiction.

HOLDINGS

1. An allegation that an individual resides in a state, without an allegation or evidence addressing domicile and intent to remain or return, is insufficient to plausibly establish that individual's citizenship for diversity-jurisdiction purposes.
2. The action must be remanded to state court because Defendant failed to establish the Court's subject matter jurisdiction.

KEY QUOTATIONS

“Because an individual is not necessarily domiciled where he or she resides, Defendant’s allegation concerning the citizenship of Plaintiff, based only on an allegation of residence, is insufficient to plausibly allege Plaintiff’s citizenship.”

“The Court therefore concludes that Defendant has not satisfactorily supported the Court’s exercise of subject matter jurisdiction over this action and grants Plaintiff’s Motion to Remand.”

FACTUAL BACKGROUND

Plaintiff filed an employment action in Riverside County Superior Court. Defendant removed the action, relying on the state-court complaint's allegation that Plaintiff resided in Riverside County, California, to assert that Plaintiff was a California citizen. Defendant later supplied information concerning Plaintiff's California addresses from 2021 through July 2024, but did not adequately establish Plaintiff's intent to remain in California or return there at the time of filing or removal.

PROCEDURAL HISTORY

Defendant filed a Notice of Removal on March 27, 2025, alleging diversity jurisdiction under 28 U.S.C. § 1332(a). The Court held a video conference on April 4, 2025, allowed supplemental briefing and supporting evidence regarding Plaintiff's citizenship, and determined that Defendant had not plausibly established Plaintiff's domicile or the Court's subject matter jurisdiction. The Court granted Plaintiff's motion to remand and returned the action to Riverside County Superior Court.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The action was remanded to Riverside County Superior Court, Case No. CVRI2500725, for lack of subject matter jurisdiction.

CASES CITED

- Kokkonen v. Guardian Life Ins. Co., 511 U.S. 375, 377 (1994)
- Prize Frize, Inc. v. Matrix (U.S.) Inc., 167 F.3d 1261, 1265 (9th Cir. 1999)
- Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)
- Academy of Country Music v. Continental Cas. Co., 991 F.3d 1059, 1068 (9th Cir. 2021)
- Kantor v. Wellesley Galleries, Ltd., 704 F.2d 1088, 1090 (9th Cir. 1983)
- Kanter v. Warner-Lambert Co., 265 F.3d 853, 857 (9th Cir. 2001)
- Indus. Tectonics, Inc. v. Aero Alloy, 912 F.2d 1090, 1092 (9th Cir. 1990)
- Johnson v. Columbia Props. Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006)
- Kanter v. Warner-Lambert Co., 265 F.3d 853, 857 (9th Cir. 2001)
- Bradford v. Mitchell Bros. Truck Lines, 217 F. Supp. 525, 527 (N.D. Cal. 1963)
- Lew v. Moss, 797 F.2d 747, 748, 751 (9th Cir. 1986)
- State Farm Mut. Auto. Ins. Co. v. Dyer, 19 F.3d 514, 519 (10th Cir. 1994)
- Mondragon v. Capital One Auto Finance, 736 F.3d 880, 886 (9th Cir. 2013)
- Weible v. United States, 244 F.2d 158, 163 (9th Cir. 1957)