

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Alexander Garcia v. ABM General Services, Inc., ABM Industries,
Inc., and Does 1 to 100, inclusive

Garcia v. ABM · No. 2:24-cv-08713-MEMF-AS · Decided March 11, 2025

SUMMARY

The United States District Court for the Central District of California grants Plaintiff Alexander Garcia’s motion to remand an employment wage-and-hour class action to Los Angeles County Superior Court. The court concludes that Defendants failed to establish by a preponderance of the evidence that the amount in controversy exceeded the Class Action Fairness Act’s \$5 million threshold, but denies Garcia’s request for attorneys’ fees because removal was objectively reasonable.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Maame Ewusi-Mensah Frimpong
JURISDICTION	United States District Court for the Central District of California
DECIDED	March 11, 2025
DOCKET	2:24-cv-08713-MEMF-AS
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff moved to remand a California wage-and-hour putative class action removed under the Class Action Fairness Act.
STANDARD OF REVIEW	The removing defendant bears the burden of establishing by a preponderance of the evidence that the CAFA amount-in-controversy requirement is satisfied.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- subject matter jurisdiction
- civil procedure
- wage and hour
- employment law

PRACTICE AREAS

- civil procedure
- employment law
- wage and hour

QUESTIONS PRESENTED

1. Whether defendants established by a preponderance of the evidence that the amount in controversy exceeded CAFA's \$5,000,000 jurisdictional threshold.
2. Whether defendants' assumed violation rates for wage-statement and waiting-time claims were supported by the complaint or other evidence.
3. Whether Garcia was entitled to attorney fees under 28 U.S.C. § 1447(c) after remand.

HOLDINGS

1. Defendants failed to establish by a preponderance of the evidence that the amount in controversy exceeded \$5,000,000.
2. Defendants' assumed 100% and alternative 20% violation rates were unsupported and facially unreasonable for purposes of proving the amount in controversy.
3. Garcia was not entitled to attorney fees because defendants had an objectively reasonable basis for removal.

KEY QUOTATIONS

“The defendant who removed the case bears the burden “to show the amount in controversy by a preponderance of the evidence.”” (at 2)

“However, ABM has provided no basis to support a 20% meal period violation rate, or any particular percentage at all.” (at 5)

“ABM’s underlying assumptions are untethered to the language of the Complaint and therefore unreasonable.” (at 6)

“A court may award fees and costs under § 1447(c) “only where the removing party lacked an objectively reasonable basis for seeking removal.”” (at 8)

FACTUAL BACKGROUND

Garcia was employed by ABM as an hourly, non-exempt employee from approximately 2021 through July 25, 2024. He alleged that ABM required employees to clock out for meal periods while continuing to work, failed to provide required meal and rest breaks, failed to pay accrued sick days and final wages, and issued inaccurate wage statements. The complaint asserted eight California-law causes of action on behalf of Garcia and similarly situated employees.

PROCEDURAL HISTORY

Garcia filed the action in Los Angeles County Superior Court on September 5, 2024. Defendants removed the action to the Central District of California on October 9, 2024, invoking CAFA jurisdiction. Garcia moved to remand, and the court granted the motion, remanding the matter to state court and denying Garcia's request for attorney fees.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The matter was remanded forthwith to the Los Angeles County Superior Court. Garcia's request for attorney fees was denied.

CASES CITED

- Richardson v. United States, 943 F.2d 1107, 1112 (9th Cir. 1991)
- Dart Cherokee Basin Operating Co., LLC v. Owens, 574 U.S. 81, 89 (2014)
- Jauregui v. Roadrunner Transportation Services, Inc., 28 F.4th 989, 993-96 (9th Cir. 2022)
- Ibarra v. Manheim Investments, Inc., 775 F.3d 1193, 1197, 1199 (9th Cir. 2015)
- Singer v. State Farm Mutual Automobile Insurance Co., 116 F.3d 373, 377 (9th Cir. 1997)
- Arias v. Residence Inn by Marriott, 936 F.3d 920, 925 (9th Cir. 2019)
- Pineda v. Bank of America, N.A., 50 Cal. 4th 1389 (2010)
- Toribio v. ITT Aerospace Controls LLC, No. CV 19-5430-GW-JPRX, 2019 WL 4254935, at *3 (C.D. Cal. Sept. 5, 2019)
- Otay Land Co. v. United Enterprises Ltd., 672 F.3d 1152, 1156 (9th Cir. 2012)