

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF  
CALIFORNIA

7980 Sunset Associates v. Nunzio Donato Ciaraulo

7980 Sunset Associates · No. CV 25-4420-GW-BFMx · Decided June 18, 2025

SUMMARY

The United States District Court for the Central District of California granted the plaintiff’s motion to remand an unlawful detainer action to the Los Angeles County Superior Court. The court held that the defendant’s anticipated federal defenses and counterclaims, including alleged disability-related claims, did not create federal-question jurisdiction because the federal issue did not appear on the face of the plaintiff’s complaint. The court denied the plaintiff’s request for attorney’s fees and costs and vacated the remand-motion hearing.

CASE DETAILS

|                       |                                                                                                                                                                                                                              |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Central District of California                                                                                                                                                          |
| WRITING FOR THE COURT | George H. Wu                                                                                                                                                                                                                 |
| JURISDICTION          | United States District Court for the Central District of California                                                                                                                                                          |
| DECIDED               | June 18, 2025                                                                                                                                                                                                                |
| DOCKET                | CV 25-4420-GW-BFMx                                                                                                                                                                                                           |
| DISPOSITION           | remanded                                                                                                                                                                                                                     |
| PROCEDURAL POSTURE    | Defendant removed an unlawful detainer action from California state court. Plaintiff moved to remand and sought attorney fees and costs under 28 U.S.C. § 1447(c).                                                           |
| STANDARD OF REVIEW    | The removing defendant bears the burden of establishing that removal is proper, and removal statutes are strictly construed against removal jurisdiction. Federal courts presume that they lack subject matter jurisdiction. |
| PRECEDENTIAL VALUE    | unpublished district court order; precedential status unknown                                                                                                                                                                |
| PARTIES               | Nunzio Donato Ciaraulo v. 7980 Sunset Associates                                                                                                                                                                             |

TOPICS

- subject matter jurisdiction
- eviction
- landlord tenant
- civil procedure

## PRACTICE AREAS

civil procedure

real estate

landlord-tenant law

## QUESTIONS PRESENTED

1. Whether the federal court had subject matter jurisdiction over the removed unlawful detainer action when the asserted federal issues appeared only in anticipated defenses or a proposed counterclaim and not on the face of the plaintiff's complaint.
2. Whether plaintiff was entitled to attorney fees and costs under 28 U.S.C. § 1447(c) following remand.

## HOLDINGS

1. The court lacked subject matter jurisdiction because the plaintiff's unlawful detainer complaint did not arise under federal law, and anticipated federal defenses, counterclaims, or cross-claims could not establish federal-question jurisdiction absent an applicable exception such as complete preemption.
2. The court denied plaintiff's request for attorney fees and costs under 28 U.S.C. § 1447(c).

## KEY QUOTATIONS

*“The defendant bears the burden of establishing that removal is proper”*

*“the removal statute is strictly construed against removal jurisdiction.”*

*“A defense based on federal law does not give this Court subject matter jurisdiction, nor does a counterclaim.”*

## FACTUAL BACKGROUND

The underlying action was an unlawful detainer complaint brought by 7980 Sunset Associates. Defendant removed the action based on his belief that federal questions would arise from a proposed cross-complaint involving alleged violations of the Americans with Disabilities Act and other constitutional or federal statutory violations. The federal issues were not pleaded in the face of the unlawful detainer complaint and would arise, if at all, through defenses or counterclaims.

## PROCEDURAL HISTORY

Defendant removed the unlawful detainer action to the Central District of California on May 16, 2025, asserting federal-question jurisdiction based on anticipated federal defenses and a proposed federal counterclaim or cross-complaint. Plaintiff moved to remand to the Superior Court of California for Los Angeles County. The district court granted remand, denied attorney fees and costs, and vacated the hearing on the motion.

## DISPOSITION

remanded

## REMAND INSTRUCTIONS

The action was remanded to the Superior Court of California for the County of Los Angeles. The June 26, 2025 hearing on the motion to remand was vacated. Plaintiff's request for attorney fees and costs was denied.

#### CASES CITED

- Kokkonen v. Guardian Life Ins. Co., 511 U.S. 375, 377 (1994)
- Turner v. Bank of N. Am., 4 U.S. (4 Dall.) 8, 11 (1799)
- McNutt v. Gen. Motors Acceptance Corp., 298 U.S. 178, 182-83 (1936)
- Provincial Gov't of Marinduque v. Placer Dome, Inc., 582 F.3d 1083, 1087 (9th Cir. 2009)
- Syngenta Crop Prot., Inc. v. Henson, 537 U.S. 28, 32 (2002)
- California ex rel. Lockyer v. Dynegy, Inc., 375 F.3d 831, 838 (9th Cir. 2004)
- Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)
- Caterpillar Inc. v. Williams, 482 U.S. 386, 392-93 (1987)
- Vaden v. Discover Bank, 556 U.S. 49, 60 (2009)
- Takeda v. Nw. Nat'l Life Ins. Co., 765 F.2d 815, 821-22 (9th Cir. 1985)
- Grable & Sons Metal Prods., Inc. v. Darue Eng'g & Mfg., 545 U.S. 308, 311, 314-15 (2005)
- Gunn v. Minton, 568 U.S. 251, 258 (2013)
- Hooks v. Clark County School District, 228 F.3d 1036 (9th Cir. 2000)
- Franchise Tax Board v. Construction Laborers Vacation Trust for Southern California, 463 U.S. 1, 10-11, 13-14 (1983)
- Martin v. Franklin Capital Corp., 546 U.S. 132, 141 (2005)