

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

MMT City View Properties, LLC v. Orange Grove Ventures, LLC

No. 2:25-cv-01920-WLH-SK (C.D. Cal. May 7, 2025) · No. 2:25-cv-01920-WLH-SK · Decided May 7, 2025

SUMMARY

The United States District Court for the Central District of California grants Plaintiff MMT City View Properties, LLC’s motion to remand. The court holds that removal was barred by the forum defendant rule and that complete diversity was lacking because both limited liability companies’ sole members were California citizens. The court denies jurisdictional discovery and declines to award attorney’s fees and costs because Plaintiff did not provide sufficient billing information.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Wesley L. Hsu
JURISDICTION	United States District Court for the Central District of California
DECIDED	May 7, 2025
DOCKET	2:25-cv-01920-WLH-SK
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff moved to remand a diversity action removed from the Los Angeles Superior Court. The district court granted remand, denied jurisdictional discovery, and denied plaintiff’s request for costs and attorney’s fees.
STANDARD OF REVIEW	The court applied the statutory standards governing removal and remand, construed removal statutes strictly, and reviewed the request for jurisdictional discovery under the abuse-of-discretion standard.
PRECEDENTIAL VALUE	unknown

TOPICS

- subject matter jurisdiction
- civil procedure
- attorney fees
- costs
- torts

PRACTICE AREAS

- civil procedure
- federal jurisdiction
- removal and remand
- real estate torts

QUESTIONS PRESENTED

1. Whether removal was barred by the forum defendant rule because defendant was a citizen of California.
2. Whether plaintiff waived its right to invoke the forum defendant rule by filing a first amended complaint, demanding a jury trial, and filing a certificate of interested parties after removal.
3. Whether complete diversity existed where both plaintiff's and defendant's sole members were California citizens.
4. Whether defendant was entitled to jurisdictional discovery concerning plaintiff's sole member's citizenship.
5. Whether plaintiff was entitled to costs and attorney's fees under 28 U.S.C. § 1447(c).

HOLDINGS

1. The forum defendant rule barred removal because defendant was a citizen of California, the forum state.
2. Plaintiff did not waive the forum defendant rule by timely moving to remand, filing a first amended complaint, demanding a jury trial, or filing a certificate of interested parties.
3. Complete diversity was lacking because both plaintiff and defendant were citizens of California through their respective sole members, so the district court lacked subject matter jurisdiction.
4. Jurisdictional discovery was unwarranted because defendant failed to show actual and substantial prejudice or identify evidence that could change the jurisdictional outcome.
5. Plaintiff's request for costs and attorney's fees was denied because plaintiff failed to provide counsel's hourly rate and the number of hours expended, preventing the court from assessing reasonableness.

KEY QUOTATIONS

“Courts strictly construe the removal statutes, rejecting removal jurisdiction in favor of remand to the state court if any doubts as to the right of removal exist.” (at 2)

“Plaintiff’s filing its FAC – after Defendant filed its motion to dismiss – and demanding a jury trial are minimal case-management obligations.” (at 4)

“The Court concludes that Defendant’s request is “based on little more than a hunch that it might yield jurisdictionally relevant facts[.]”” (at 6)

FACTUAL BACKGROUND

Plaintiff MMT City View Properties, LLC possessed property in Los Angeles, and defendant Orange Grove Ventures, LLC owned higher-elevation lots nearby. After heavy rains in January 2023, mud allegedly slid from defendant's lots onto plaintiff's property, causing damage. Both LLCs were alleged to be citizens of California because each had a sole member who was a California citizen.

PROCEDURAL HISTORY

Plaintiff filed claims for private nuisance and negligence in the Los Angeles Superior Court on December 20, 2024. Defendant removed the action on March 5, 2025, asserting diversity jurisdiction, and filed a motion to

dismiss. Plaintiff filed a first amended complaint, defendant answered, and plaintiff timely moved to remand. The district court granted the motion and ordered the case remanded to the Los Angeles Superior Court.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The case is remanded to the Los Angeles Superior Court. The request for costs and attorney's fees is denied.

CASES CITED

- Voltage Pictures, LLC v. Gussi, S.A. de C.V., 92 F.4th 815, 822 (9th Cir. 2024)
- NewGen, LLC v. Safe Cig, LLC, 840 F.3d 606, 612 (9th Cir. 2016)
- Lively v. Wild Oats Markets, Inc., 456 F.3d 933, 939-42 (9th Cir. 2006)
- Nevada v. Bank of America Corp., 672 F.3d 661, 667 (9th Cir. 2012)
- In re Moore, 209 U.S. 490, 496 (1908)
- Ex parte Harding, 219 U.S. 363 (1911)
- Everest Sys. Co. v. Platinum Roofing, Inc., No. 19-cv-03133-BLF, 2019 WL 3387951, at *1-2 (N.D. Cal. July 26, 2019)
- SWC Inc. v. Elite Promo Inc., 234 F. Supp. 3d 1018, 1022-23 (N.D. Cal. 2017)
- Rapid Displays, Inc. v. Ford, Walker, Haggerty & Behar, LLP, No. 16-cv-1703-WQH-JLB, 2016 WL 6543207, at *1-4 (S.D. Cal. Nov. 3, 2016)
- Butcher's Union Local No. 498, United Food & Commercial Workers v. SDC Inv., Inc., 788 F.2d 535, 540 (9th Cir. 1986)
- Data Disc., Inc. v. Systems Tech. Associates, Inc., 557 F.2d 1280, 1285 n.1 (9th Cir. 1977)
- Laub v. U.S. Department of Interior, 342 F.3d 1080, 1093 (9th Cir. 2003)
- Boschetto v. Hansing, 539 F.3d 1011, 1020 (9th Cir. 2008)
- Holliday v. Jaguar Land Rover North America, LLC, No. 24-cv-00553-BLF, 2024 WL 1244299, at *7 (N.D. Cal. Mar. 21, 2024)
- Mendoza v. Yu, No. 21-cv-08632-TSH, 2022 WL 17862, at *3 (N.D. Cal. Jan. 3, 2022)