

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Gerald Beverly v. Western Refining Retail, LLC et al.

Beverly · No. 2:25-cv-07947-JLS-BFM · Decided October 23, 2025

SUMMARY

The United States District Court for the Central District of California ordered Western Refining Retail, LLC to show cause why the action should not be remanded to state court. The court found that the notice of removal did not identify the citizenship of the LLC’s owners or members, preventing the court from determining whether complete diversity existed under 28 U.S.C. § 1332.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Josephine L. Staton
JURISDICTION	United States District Court for the Central District of California
DECIDED	October 23, 2025
DOCKET	2:25-cv-07947-JLS-BFM
DISPOSITION	other
PROCEDURAL POSTURE	Defendant removed the action from Los Angeles County Superior Court based on diversity jurisdiction. Plaintiff moved to remand, and the court issued an order to show cause why the action should not be remanded for lack of subject matter jurisdiction.
STANDARD OF REVIEW	The removing defendant bears the burden of establishing that removal is proper; subject matter jurisdiction is independently assessed by the federal court.
PRECEDENTIAL VALUE	Unknown

TOPICS

- subject matter jurisdiction
- limited liability companies
- civil procedure
- federalism

PRACTICE AREAS

- civil procedure
- federal jurisdiction
- removal and remand
- business entity law

QUESTIONS PRESENTED

1. Whether the removing defendant established complete diversity sufficient to support federal subject matter jurisdiction under 28 U.S.C. § 1332.
2. Whether the court should remand the action because the notice of removal failed to identify the citizenship of the LLC's owners or members.

HOLDINGS

1. The removing defendant bears the burden of establishing that removal is proper.
2. For purposes of diversity jurisdiction, a limited liability company is a citizen of every state of which its owners or members are citizens.
3. The court could not determine whether complete diversity existed because the notice of removal and opposition did not state the citizenship of Western Refining's owners or members.

KEY QUOTATIONS

“*[T]he defendant always has the burden of establishing that removal is proper.*” (1)

“*The Court therefore cannot determine whether complete diversity exists.*” (2)

FACTUAL BACKGROUND

Gerald Beverly filed the underlying action in Los Angeles County Superior Court against Western Refining Retail, LLC and Abdullah Al Mahmod. Western Refining removed the action, asserting federal diversity jurisdiction. The notice of removal identified Western Refining as a limited liability company but did not state the citizenship of its owners or members, and the defendants did not supply that information in opposition to the motion to remand.

PROCEDURAL HISTORY

Gerald Beverly filed the action in Los Angeles County Superior Court against Western Refining Retail, LLC and Abdullah Al Mahmod. Western Refining removed the case under 28 U.S.C. § 1332. After Beverly moved to remand, the court determined that the removal papers did not identify the citizenship of Western Refining's owners or members and ordered Western Refining to show cause by October 27, 2025 why the action should not be remanded.

DISPOSITION

other

REMAND INSTRUCTIONS

Western Refining was ordered to show cause in writing no later than October 27, 2025 why the action should not be remanded to state court for lack of subject matter jurisdiction. Failure to respond would result in remand.

CASES CITED

- Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)
- Johnson v. Columbia Properties Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006)
- Americold Realty Trust v. ConAgra Foods, Inc., Americold Realty Trust v. Conagra Foods, Inc., 136 S. Ct. 1012, 1016 (2016)

OPINION

Gerald Beverly v. Western Refining Retail, LLC et al

PER CURIAM.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:25-cv-07947-JLS-BFM Date: October 23, 2025 Title: Gerald Beverly v. Western Refining Retail, LLC et al Present: Honorable JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE Kelly Davis N/A Deputy Clerk Court Reporter Attorneys Present for Plaintiffs: Attorneys Present for Defendant: Not Present Not Present

PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY THIS

CASE SHOULD NOT BE REMANDED TO STATE COURT

Plaintiff Gerald Beverly filed this action in Los Angeles County Superior Court against Defendants Western Refining, LLC and Abdullah Al Mahmod (erroneously sued as Mohammed Dola). (Compl., Doc. 1-2.) Defendant Western Refining Retail, LLC (“Western Refining”) removed, invoking this Court’s diversity jurisdiction. (NOR, Doc. 1.) Plaintiff filed a motion to remand, and Defendants opposed. (MTR, Doc. 12; Corrected Opp., Doc. 16.) “[T]he defendant always has the burden of establishing that removal is proper.” Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992). Generally, subject matter jurisdiction is based on the presence of complete diversity between the parties, see 28 U.S.C. § 1332, or on the presence of an action arising under federal law, see 28 U.S.C. § 1331. In the Ninth Circuit, “an LLC is a citizen of every state of which its owners/members are citizens.” Johnson v. Columbia Properties Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006); see Americold Realty Trust v. Conagra Foods, Inc., 136 S.

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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:25-cv-07947-JLS-BFM Date: October 23, 2025 Title: Gerald Beverly v. Western Refining Retail, LLC et al Ct. 1012, 1016 (2016) (“So long as ... an entity is unincorporated, we apply our ‘oft- repeated rule’ that it possesses the citizenship of all its members.”). Here, Western Refining’s Notice of Removal asserts federal subject matter jurisdiction under 28 U.S.C. § 1332.

(NOR ¶ 7.) However, although Western Refining is a limited liability company, its Notice of Removal does not state the citizenship of its owners or members. (See id. ¶ 11.) Nor do Defendants provide this information in their opposition to Plaintiff's motion to remand. (See Opp. at 13.) The Court therefore cannot determine whether complete diversity exists. For the reasons set forth above, the Court ORDERS Western Refining to show cause in writing no later than October 27, 2025 why this action should not be remanded to state court for lack of subject matter jurisdiction on these grounds. Failure to respond by the above date will result in the Court remanding this action. Initials of Deputy Clerk: kd

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