

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.

OPINION

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.

CIVIL MINUTES – GENERAL 1 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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