

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)

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