

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Bell v. DeVry University, Inc.

No. 25-cv-595-RSH-BLM (S.D. Cal. May 21, 2025) · No. 25-cv-595-RSH-BLM · Decided May 21, 2025

SUMMARY

The United States District Court for the Southern District of California granted Plaintiff Delainya Bell’s motion to remand a representative California Private Attorneys General Act action against DeVry University, Inc. The court held that Defendant failed to demonstrate by a preponderance of the evidence that the amount in controversy exceeded \$75,000 because only Plaintiff’s pro rata share of attorneys’ fees could be considered and PAGA penalties could not be aggregated. The action was remanded to the Superior Court of California, County of San Diego, and the federal case was closed.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Robert S. Huie
JURISDICTION	United States District Court for the Southern District of California
DECIDED	May 21, 2025
DOCKET	25-cv-595-RSH-BLM
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff moved to remand a representative California Private Attorneys General Act action removed from California state court based on diversity jurisdiction.
STANDARD OF REVIEW	The removing party bears the burden of establishing federal subject-matter jurisdiction, and doubts concerning the right to removal are resolved in favor of remand. Where the amount in controversy is not facially evident from the complaint, the removing party must prove by a preponderance of the evidence that the jurisdictional threshold is satisfied.
PRECEDENTIAL VALUE	unpublished
PARTIES	DeVry University, Inc. v. Delainya Bell

TOPICS

subject matter jurisdiction

civil procedure

wage and hour

flsa

attorney fees

PRACTICE AREAS

civil procedure

employment law

wage and hour

remedies

QUESTIONS PRESENTED

1. Whether DeVry established that the amount in controversy exceeded \$75,000 for purposes of diversity jurisdiction.
2. Whether attorneys' fees in a representative PAGA action may be attributed entirely to the named plaintiff, rather than limited to the plaintiff's pro rata share, when calculating the amount in controversy.
3. Whether the action could remain in federal court based on combining it with a related DeVry action for amount-in-controversy purposes.

HOLDINGS

1. DeVry failed to meet its burden to demonstrate that the amount in controversy exceeded the \$75,000 jurisdictional requirement.
2. The court declined to consider the consolidation-based jurisdictional argument because it was moot in light of the court's remand of the related DeVry action for lack of subject-matter jurisdiction.

KEY QUOTATIONS

"Where doubt regarding the right to removal exists, a case should be remanded to state court." (at 2)

"The Court agrees that only Plaintiff's pro rata share of attorneys' fees should be considered for amount in controversy purposes." (at 6)

"For these reasons, the Court holds Defendant has not met its burden in this case to demonstrate that the amount in controversy meet the \$75,000 jurisdictional requirement." (at 6)

FACTUAL BACKGROUND

Bell worked for DeVry as an Admissions Advisor from October 2023 through August 2024. She alleged that DeVry used a non-neutral rounding policy that resulted in unpaid minimum and overtime wages, inadequate sick-leave credit, inaccurate wage statements, and unreimbursed work-from-home expenses. She brought those claims as a representative PAGA action on behalf of other aggrieved employees and the State of California.

PROCEDURAL HISTORY

Bell filed a representative PAGA action in San Diego Superior Court on January 23, 2025. DeVry removed the action to federal court on March 13, 2025, asserting diversity jurisdiction and an amount in controversy exceeding \$75,000. Bell moved to remand, arguing that DeVry improperly aggregated attorneys' fees and other potential penalties. The court granted the motion and remanded the action to the Superior Court of California, County of San Diego.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The action was remanded to the Superior Court of California, County of San Diego. The Clerk of Court was directed to close the federal case.

CASES CITED

- Libhart v. Santa Monica Dairy Co., 592 F.2d 1062, 1064 (9th Cir. 1979)
- Caterpillar, Inc. v. Williams, 482 U.S. 386, 392 (1987)
- Local Union 598, Plumbers & Pipefitters Industrial Journeymen & Apprentices Training Fund v. J.A. Jones Construction Co., 846 F.2d 1213, 1215 (9th Cir. 1988)
- Canela v. Costco Wholesale Corp., 965 F.3d 694, 698 (9th Cir. 2020)
- Corral v. Select Portfolio Servicing, Inc., 878 F.3d 770, 774 (9th Cir. 2017)
- Matheson v. Progressive Specialty Insurance Co., 319 F.3d 1089, 1090 (9th Cir. 2003)
- Baumann v. Chase Investment Services Corp., 747 F.3d 1117, 1119 (9th Cir. 2014)
- Urbino v. Orkin Services of California, 726 F.3d 1118, 1121-1122 (9th Cir. 2013)
- Hamilton v. Wal-Mart Stores, Inc., 39 F.4th 575, 582 (9th Cir. 2022)
- Becerra-Zamora v. Gruma Corp., No. 24-CV-01076-WHO, 2024 WL 3338353, at *2 (N.D. Cal. July 8, 2024)
- Gunther v. Alaska Airlines, Inc., 72 Cal. App. 5th 334, 357 (Ct. App. 2021)
- Butt v. 9W Halo West Opco, L.P., No. 2:22-CV-02012 WBS AC, 2023 WL 196472, at *3 (E.D. Cal. Jan. 17, 2023)
- Harp v. California Cemetery & Funeral Services, LLC, No. 121CV01118JLTBAK, 2022 WL 1658716, at *3 (E.D. Cal. May 25, 2022)
- Higginbotham v. S.E. Employment Leasing Services, Inc., No. 2:20-CV-00575-KJM-DB, 2020 WL 5535421, at *4 (E.D. Cal. Sept. 15, 2020)
- Mutchler on behalf of California v. Circle K Stores, Inc., No. 20CV1239-GPC(BGS), 2020 WL 5511985, at *3 (S.D. Cal. Sept. 14, 2020)
- Arrellano v. Optum Medical Group, No. CV 18-6093-DMG (ASX), 2019 WL 247220, at *4 (C.D. Cal. Jan. 17, 2019)
- Madison v. U.S. Bancorp, No. C-14-4934-EMC, 2015 WL 355984, at *3 (N.D. Cal. Jan. 27, 2015)
- Patel v. Nike Retail Services, Inc., 58 F. Supp. 3d 1032, 1049 (N.D. Cal. 2014)
- Kim v. Reins International California, Inc., 9 Cal. 5th 73, 85 (2020)
- Ortiz v. Pacific, 973 F. Supp. 2d 1162, 1185 (E.D. Cal. 2013)