

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Luther Hill v. Hogan Personnel, LLC

No. EDCV 25-0564 JGB (SHKx) (C.D. Cal. July 9, 2025) · No. EDCV 25-0564 JGB (SHKx) · Decided July 9, 2025

SUMMARY

The United States District Court for the Central District of California denied Plaintiff Luther Hill’s motion to remand a putative California wage-and-hour class action removed under the Class Action Fairness Act. The court held that Defendants established by a preponderance of the evidence that the aggregate amount in controversy exceeded \$5 million, including potential unpaid wages, penalties, unreimbursed expenses, and attorneys’ fees. The court also vacated the scheduled hearing.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Jesus G. Bernal
JURISDICTION	United States District Court for the Central District of California
DECIDED	July 9, 2025
DOCKET	EDCV 25-0564 JGB (SHKx)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to remand a putative wage-and-hour class action removed from California state court under the Class Action Fairness Act.
STANDARD OF REVIEW	When a plaintiff mounts a factual attack on CAFA jurisdiction, the removing defendant must establish by a preponderance of the evidence that the aggregate amount in controversy exceeds \$5 million. The court may consider evidence outside the complaint, including declarations and other summary-judgment-type evidence, and evaluates whether the defendant's assumptions have a reasonable evidentiary basis rather than resting on speculation or conjecture.
PRECEDENTIAL VALUE	Unknown; an unpublished or not-reported district court order.
PARTIES	Luther Hill v. Hogan Personnel, LLC, Hogan Truck Leasing, Inc.

TOPICS

class actions

subject matter jurisdiction

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wage and hour

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Defendants established by a preponderance of the evidence that the putative class action satisfied CAFA's \$5 million amount-in-controversy requirement.
2. Whether Defendants' use of employee data, declarations, and reasonable violation-rate assumptions was sufficient to establish the amount in controversy for the asserted wage-and-hour claims, penalties, and attorneys' fees.
3. Whether Plaintiff's allegation that the aggregate amount in controversy was less than \$5 million limited the amount-in-controversy analysis.

HOLDINGS

1. Defendants established by a preponderance of the evidence that more than \$5 million was in controversy, satisfying CAFA's jurisdictional threshold.
2. Declarations and other summary-judgment-type evidence may establish the amount in controversy at the removal stage, and a defendant need not produce extensive business records or calculate the exact frequency of every alleged violation.
3. The assumption of one hour of unpaid time per workweek was reasonable and placed \$863,191.92 in controversy for minimum-wage and overtime claims.
4. Potential liquidated damages under California Labor Code § 1194.2 were properly included in the amount in controversy even though Plaintiff did not expressly identify liquidated damages in his argument.
5. Assuming one meal-period violation and one rest-period violation per workweek, at a 20 percent violation rate, was reasonable in light of the complaint's allegations of uniform policies and practices.
6. The assumptions of a 100 percent violation rate and the statutory maximum wage-statement and waiting-time penalties were reasonable for purposes of calculating the amount in controversy.
7. Potential attorneys' fees were properly included, and a 25 percent benchmark assumption was reasonable.
8. The court disregarded Plaintiff's allegation that the aggregate amount in controversy was less than \$5 million because a putative class representative cannot bind absent class members before class certification.

KEY QUOTATIONS

“CAFA gives federal district courts original jurisdiction over class actions in which the class members number at least 100, at least one plaintiff is diverse in citizenship from any defendant, and the aggregate

amount in controversy exceeds \$5 million, exclusive of interests and costs.”

“A defendant cannot establish removal jurisdiction by mere speculation and conjecture, with unreasonable assumptions.”

“Under the preponderance of the evidence standard, if the evidence submitted by both sides is balanced, in equipoise, the scales tip against federal-court jurisdiction.”

FACTUAL BACKGROUND

Hill worked as an hourly, non-exempt employee of Hogan Personnel and Hogan Truck from approximately February 2023 through May 2024. He alleged that Defendants maintained uniform policies and practices resulting in unpaid minimum and overtime wages, missed meal and rest periods, inaccurate wage statements, untimely final wages, and unreimbursed business expenses. He asserted the claims on behalf of a proposed class of California non-exempt employees.

PROCEDURAL HISTORY

Hill filed a putative class action in the Superior Court of the County of San Bernardino on January 29, 2025. Defendants removed the action on March 3, 2025, invoking CAFA and 28 U.S.C. §§ 1441 and 1446, and then answered. Hill moved to remand, arguing that Defendants had not established by a preponderance of the evidence that the aggregate amount in controversy exceeded \$5 million. The court denied the motion and vacated the hearing.

DISPOSITION

other

CASES CITED

- Ibarra v. Manheim Investments, Inc., 775 F.3d 1193, 1195, 1197-99 (9th Cir. 2015)
- Dart Cherokee Basin Operating Co. v. Owens, 574 U.S. 81, 88 (2014)
- Sanchez v. Monumental Life Ins. Co., 102 F.3d 398, 404 (9th Cir. 1996)
- Fritsch v. Swift Transp. Co. of Ariz., 899 F.3d 785, 794, 796 (9th Cir. 2018)
- Standard Fire Ins. Co. v. Knowles, 568 U.S. 588, 590-596 (2013)
- Arias v. Residence Inn by Marriott, 936 F.3d 920, 927, 929 (9th Cir. 2019)
- Valdez v. Allstate Ins. Co., 372 F.3d 1115, 1117 (9th Cir. 2004)
- Muniz v. Pilot Travel Centers LLC, 2007 WL 1302504, at *4-5 (E.D. Cal. May 1, 2007)
- Torrez v. Freedom Mortg., Corp., 2017 WL 2713400, at *3 (C.D. Cal. June 22, 2017)
- Duberry v. J. Crew Grp., Inc., 2015 WL 4575018, at *2 (C.D. Cal. July 28, 2015)
- Salcido v. Evolution Fresh, Inc., 2016 WL 79381, at *6 (C.D. Cal. Jan. 6, 2016)
- Marin v. Loews Hollywood Hotel, 2024 WL 4766204, at *4 (C.D. Cal. Oct. 16, 2024)
- Cabrera v. S. Valley Almond Co., LLC, 2021 WL 5937585, at *8 (E.D. Cal. Dec. 16, 2021)

- Arreola v. Finish Line, 2014 WL 6982571, at *4 (N.D. Cal. Dec. 9, 2014)
- Garza v. Brinderson Constructors, Inc., 178 F. Supp. 3d 906, 912 (N.D. Cal. 2016)
- Thompson v. La Petite Acad., Inc., 2022 WL 5241838, at *4 (C.D. Cal. Oct. 6, 2022)
- Gurzenski v. Delta Air Lines, Inc., 2021 WL 5299240, at *4 (C.D. Cal. Nov. 12, 2021)
- Anderson v. Starbucks Corp., 2020 WL 7779015, at *3-4 (N.D. Cal. 2020)
- Vallejo v. Sterigenics U.S., LLC, 2021 WL 2685348, at *6 (S.D. Cal. 2021)
- Wilcox v. Harbor UCLA Med. Ctr. Guild, Inc., 2023 WL 5246264, at *4 (C.D. Cal. Aug. 14, 2023)
- Valero v. MKS Instruments, 2025 WL 72171, at *3, *5 (C.D. Cal. Jan. 8, 2025)
- Demaria v. Big Lots Stores - PNS, LLC, 2023 WL 6390151, at *7 (E.D. Cal. Sept. 29, 2023)
- Noriesta v. Konica Minolta Bus. Solutions U.S.A., 2019 WL 7987117, at *6 (C.D. Cal. June 21, 2019)
- Lopez v. Aerotek, Inc., 2015 WL 2342558, at *3 (C.D. Cal. May 14, 2015)
- Galt G/S v. JSS Scandinavia, 142 F.3d 1150, 1156 (9th Cir. 1998)
- Greene v. Harley-Davidson, Inc., 956 F.3d 767, 774 n.4 (9th Cir. 2020)