

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Manuel Anthony Maestas v. Toyota Motor Corporation et al.

No. 8:25-cv-00478-JVS-E (C.D. Cal. May 21, 2025) · No. 8:25-cv-00478-JVS-E · Decided May 21, 2025

SUMMARY

The United States District Court for the Central District of California granted Manuel Anthony Maestas’s motion to remand. The court held that removal was untimely under 28 U.S.C. § 1446(b)(3), declined to apply the multidistrict litigation stay, and remanded the case to the First Judicial District of the State of New Mexico.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	James V. Selna
JURISDICTION	United States District Court for the Central District of California
DECIDED	May 21, 2025
DOCKET	8:25-cv-00478-JVS-E
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff moved to remand a removed action to New Mexico state court. The Central District of California granted the motion and remanded the case.
STANDARD OF REVIEW	Removal statutes are strictly construed against removal jurisdiction, doubts concerning removability are resolved in favor of remand, and the removing defendant bears the burden of establishing that removal is proper.
PRECEDENTIAL VALUE	Unpublished, nonprecedential district court order
PARTIES	TRQSS, Inc., Toyota Motor Corporation and other defendants v. Manuel Anthony Maestas

TOPICS

- civil procedure
- federalism
- subject matter jurisdiction

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether removal was untimely under the thirty-day removal period in 28 U.S.C. § 1446(b)(3).
2. Whether the one-year limitation on removal in 28 U.S.C. § 1446(c)(1) was excused because the plaintiff acted in bad faith to prevent removal.
3. Whether the case should be remanded to New Mexico state court.

HOLDINGS

1. Removal was untimely because TRQSS could ascertain by February 15, 2024, and at least by May 6, 2024, that the case had allegedly become removable, but did not remove it until October 8, 2024.
2. TRQSS failed to establish that Maestas acted in bad faith to prevent removal, so the asserted bad-faith exception did not excuse the removal.
3. The court deemed TRQSS's failure to oppose the remand motion consent to granting the motion under the applicable local rules.

KEY QUOTATIONS

“This strong ‘presumption against removal jurisdiction means that ‘the defendant always has the burden of establishing that removal is proper.’”

FACTUAL BACKGROUND

Maestas originally filed the action in New Mexico state court against Toyota defendants and the New Mexico Department of Transportation. He later added TRQSS, Inc., dismissed two forum defendants, and left J-H Supply Company, Inc. and Harry Apodaca as the remaining forum defendants. TRQSS removed the case more than thirty days after the case allegedly became removable, based on the dismissal and the absence of appearances by the remaining forum defendants. Maestas provided evidence that he had attempted service on those defendants.

PROCEDURAL HISTORY

Maestas filed the action in New Mexico state court in 2021 and later added TRQSS, Inc. as a defendant. After dismissing two forum defendants, TRQSS removed the case to the District of New Mexico on October 8, 2024. Maestas moved to remand; before that motion was decided, the Judicial Panel on Multidistrict Litigation transferred the case to the Central District of California for consolidation with MDL No. 2151. Maestas renewed the motion to remand, which the court granted.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The case was remanded to state court in the First Judicial District of the State of New Mexico. The June 2, 2025 hearing was vacated.

CASES CITED

- City of Chicago v. International College of Surgeons, 522 U.S. 156, 163 (1997)
- Moore-Thomas v. Alaska Airlines, Inc., 553 F.3d 1241, 1244 (9th Cir. 2009)
- Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)
- In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation

OPINION

Manuel Anthony Maestas v. Toyota Motor Corporation

PER CURIAM.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 8:25-cv-00478-JVS-E Date May 21, 2025 Title Manuel Anthony Maestas v. Toyota Motor Corporation et al Present: The Honorable James V. Selna, U.S. District Court Judge Elsa Vargas Not Present Deputy Clerk Court Reporter Attorneys Present for Plaintiffs: Attorneys Present for Defendants: Not Present Not Present Proceedings: [IN CHAMBERS] Order Regarding Plaintiff's Motion to Remand

[21]

Plaintiff Manuel Anthony Maestas (“Maestas”) filed a motion to remand. (Mot., Dkt. No. 21.) Defendant TRQSS, Inc. (“TRQSS”) filed a notice of stay and request to remove hearing on the motion to remand. (Notice, Dkt. No. 23.) Maestas filed a notice of TRQSS's non-opposition to the motion. (Reply, Dkt. No. 24.) For the following reasons, the Court GRANTS the motion.

I, BACKGROUND

Maestas first filed this case in state court in Santa Fe, New Mexico on April 21, 2021, against various Toyota defendants and the New Mexico Department of Transportation. (Notice of Removal, Ex. A-1, Dkt. No. 4.) On April 4, 2023, Maestas filed a First Amended Complaint, and named TRQSS as a defendant for the first time. (d., Ex. A-2, Dkt. No. 5.) On February 15, 2024, Maestas voluntarily dismissed two Forum Defendants, leaving only J-H Supply Company, Inc. and Harry Apodaca as the remaining Forum Defendants. (Id., Dkt. No. 1, at 2-3.) TRQSS argues that, because these Forum Defendants were never served, removal is proper under 28 U.S.C. § 1332(a). Ud.) On October 8, 2024, TRQSS removed this case to the United States District Court for the District of New Mexico. (Id.) On November 6, 2024, Maestas moved to remand the case to state court pursuant to 28 U.S.C. § 1447(c). (Dkt. No. 7.) On February 6, 2025, before the court decided the motion to remand, the United States Judicial Panel on Multidistrict Litigation ordered that this case be transferred to this Court and consolidated with MDL No. 2151.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES - GENERAL

Case No. 8:25-cv-00478-JVS-E Date May 21, 2025 Title Manuel Anthony Maestas v. Toyota Motor Corporation et al (Transfer Order, Dkt. No. 17.) The case was officially transferred on March 12, 2025, (Dkt. No. 15), and assigned to this Court on March 13, 2025, (Dkt. No. 18). On April 14, 2025, Maestas filed its renewed motion to remand. (Mot.)

II. LEGAL STANDARD

Under 28 U.S.C. § 1441(a), a defendant may remove a civil action from state court to federal court so long as original jurisdiction would lie in the court to which the action is removed. *City of Chicago v. Int'l Coll. of Surgeons*, 522 U.S. 156, 163 (1997). According to the Ninth Circuit, courts should “strictly construe the removal statute against removal jurisdiction.” *Moore-Thomas v. Alaska Airlines, Inc.*, 553 F.3d 1241, 1244 (9th Cir. 2009) (citing *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992)). Doubts as to removability should be resolved in favor of remanding the case to the state court. *Id.* This strong “presumption against removal jurisdiction means that ‘the defendant always has the burden of establishing that removal is proper.’” *Id.* (quoting *Gaus*, 980 F.2d at 566). Generally, a defendant must remove an eligible civil action within thirty days of receiving service of the complaint. 28 U.S.C. § 1446(b)(1). If, however, “the case stated by the initial pleading is not removable, a notice of removal may be filed within thirty days after receipt by the defendant . . . a copy of an amended pleading, motion, order, or other paper from which it may first be ascertained that the case is one which is or has become removable.” 28 U.S.C. § 1446(b)(3).

III. DISCUSSION

Although TRQSS argues that removal is improper as part of the *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability* multidistrict litigation (“MDL”), (Notice, at 1), this case is only part of the MDL if it is properly in federal court. Thus, because the Court finds that remand is proper, it need not stay removal proceedings pursuant to the mandatory two-step intensive settlement process (“ISP”) under the MDL. (See Order, Dkt. No. 4490, Case No. 8:10-md-02151-JVS-FMO.) Maestas claims that removal was untimely under the one-year rule in 28 U.S.C. § 1446(b)(1) and the three-day rule in 28 U.S.C. § 1446(c)(1) (Gaea Mint cqnarallx \

UNITED STATES DISTRICT COURT
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CIVIL MINUTES - GENERAL

Case No. 8:25-cv-00478-JVS-E Date May 21, 2025 Title Manuel Anthony Maestas v. Toyota Motor Corporation et al TRQSS argued that the one-year ban on removability under 28 U.S.C. § 1446(c)(1) is inapplicable because Maestas allegedly acted in bad faith to prevent removal. (Notice of Removal, at 3.) However, TRQSS has not met its threshold of proving the Maestas

acted in bad faith.’ Further, even if the one-year ban does not apply, removal was improper under the thirty-day rule in 28 U.S.C. § 1446(b)(3). Specifically, TRQSS could ascertain that the case had purportedly become removable on February 15, 2024, when Maestas dismissed two of the Forum Defendants. TRQSS also had notice at least by May 6, 2024, that the remaining Forum Defendants had not appeared in the action, when TRQSS consented to a scheduling order which excluded the Forum Defendants. (See Mot. at 11, Exs. 4-5.) Thus, because TRQSS did not remove this case until October 8, 2024, removal was untimely under 28 U.S.C. § 1446(b)(3). Finally, TRQSS failed to oppose this motion. The Court deems the failure to oppose the motion as consent to the granting of the motion. See Local Rule 7-9 (requiring the filing of an opposition brief or a statement of non-opposition no later than 21 days before hearing date); Local Rule 7-12 (failure to file an opposition may be deemed consent to the granting of a motion). Consequently, the Court GRANTS the motion.

IV. CONCLUSION

For the foregoing reasons, the Court GRANTS the motion, and remands the case to state court in the First Judicial District of the State of New Mexico. IT IS SO ORDERED. The Court VACATES the June 2, 2025, hearing. ' TRQSS claims that Maestas acted in bad faith because “there is nothing in the record showing that Plaintiff served any of the Forum Defendants nor have any of them appeared in the Current Action . . .” (Notice of Removal, at 4.) However, Maestas provided the Court with proof that he did attempt service by mail on these defendants after joining them in the action. (Mot. at 9 n.7, Ex. 2.) Thus,