UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Joecelyn Jefferson v. Walmart Inc.

Jefferson v. Walmart Inc. · No. EDCV 25-0146 JGB (SPx) · Decided June 5, 2025

SUMMARY

The United States District Court for the Central District of California granted Joecelyn Jefferson's motion to remand her personal-injury action against Walmart to the Los Angeles Superior Court. The court held that Walmart's thirty-day removal period began when it received Jefferson's statement of damages on October 29, 2024, because the complaint and statement together made it apparent that the amount in controversy exceeded $75,000. Walmart's January 17, 2025 removal was therefore untimely, and the court 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	June 5, 2025
DOCKET	EDCV 25-0146 JGB (SPx)
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff moved to remand an action removed from California state court based on diversity jurisdiction.
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PRECEDENTIAL VALUE	unpublished district court order; nonprecedential
PARTIES	Walmart Inc. v. Joecelyn Jefferson

TOPICS

civil procedure · subject matter jurisdiction · negligence · premises liability · personal injury

PRACTICE AREAS

civil procedure | removal and remand | personal injury | premises liability

QUESTIONS PRESENTED

1. Whether Jefferson's complaint and October 29, 2024 statement of damages provided Walmart with sufficient notice that the amount in controversy exceeded $75,000 and triggered the thirty-day removal period under 28 U.S.C. § 1446(b)(3).
2. Whether Walmart's January 17, 2025 notice of removal was timely.

HOLDINGS

1. The complaint's allegations of severe and permanent head and body injuries, treatment by surgeons, disfigurement, possible permanent disability, medical expenses, and loss of earning capacity, considered together with the $30 million statement of damages, made it ascertainable that the amount in controversy exceeded $75,000. The statement of damages therefore triggered the thirty-day removal period on October 29, 2024.
2. Walmart's January 17, 2025 notice of removal was untimely because it was filed more than thirty days after October 29, 2024, when Walmart received the statement of damages and removability became ascertainable.

KEY QUOTATIONS

> *"The strong presumption against removal jurisdiction means that the defendant always has the burden of establishing that removal is proper."* (at 2)

> *"While a defendant may not establish the amount in controversy through the defendant's own conclusory allegations, a plaintiff's statement of damages is not a 'conclusory allegation'; it is direct evidence of the value that the plaintiff places on their case."* (at 3)

FACTUAL BACKGROUND

Jefferson alleged that a Walmart employee negligently and recklessly rammed a top-cart into her head and body, causing severe and permanent injuries. She alleged physical and mental pain, possible permanent disability, disfigurement, medical treatment and expenses, and past and future loss of earnings and earning capacity. After serving Walmart with a statement of damages alleging $20 million in general damages and $10 million in special damages, Jefferson sought remand of Walmart's later removal.

PROCEDURAL HISTORY

Jefferson filed suit in the Superior Court of California, County of Los Angeles, against Walmart and Doe defendants. Walmart answered, and Jefferson later served a statement of damages alleging $30 million in damages. Walmart removed the action on January 17, 2025, asserting diversity jurisdiction. Jefferson moved to remand, and the district court granted the motion and remanded the case to state court.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The case is remanded to the Superior Court of California, County of Los Angeles. The Clerk is directed to close the federal file.

CASES CITED

- Caterpillar, Inc. v. Williams, 482 U.S. 386, 392 (1987)
- Gunn v. Minton, 568 U.S. 251, 256 (2013)
- Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)
- Jackson v. Specialized Loan Servicing, LLC, 2014 WL 5514142, at *6 (C.D. Cal. Oct. 31, 2014)
- Durham v. Lockheed Martin Corp., 445 F.3d 1247, 1250, 1253 (9th Cir. 2006)
- Kuxhausen v. BMW Fin. Servs. NA LLC, 707 F.3d 1136, 1140 (9th Cir. 2013)
- Hammarlund v. C.R. Bard, Inc., 2015 WL 5826780, at *2 (C.D. Cal. Oct. 2, 2015)
- Moore v. CVS Health Corp., 2017 WL 2999021, at *2 (C.D. Cal. July 14, 2017)
- Gebbia v. Wal-Mart Stores, Inc., 233 F.3d 880, 883 (5th Cir. 2000)
- Campbell v. Vitran Express, Inc., 471 F. App'x 646, 648 (9th Cir. 2012)
- Jackson v. Target Corp., 2008 WL 11339920, at *1 (C.D. Cal. Dec. 22, 2008)
- Brovold v. Safeway Inc., 2020 WL 6566164, at *3 (W.D. Wash. Oct. 14, 2020), report and recommendation adopted, 2020 WL 6561418 (W.D. Wash. Nov. 9, 2020)
- Flores v. Safeway, Inc., 2019 WL 4849488, at *5 (W.D. Wash. Oct. 1, 2019)
- Ortiz v. Costco Wholesale Corp., 2019 WL 3183675, at *2 (S.D. Cal. July 16, 2019)