

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Lopez v. Wal-Mart Associates, Inc.

Lopez · No. 2:25-cv-07050-MCS-MAA · Decided September 24, 2025

SUMMARY

The court denied Plaintiff Agustina Cruz Lopez’s motion to remand her employment-related action against Wal-Mart Associates, Inc. to California state court. It held that diversity jurisdiction existed because the defendant showed by a preponderance of the evidence that lost wages, including projected front pay through an estimated trial date, placed more than \$75,000 in controversy. The court declined to account for potential mitigation of damages in calculating the amount in controversy.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Mark C. Scarsi
JURISDICTION	United States District Court for the Central District of California
DECIDED	September 24, 2025
DOCKET	2:25-cv-07050-MCS-MAA
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to remand an employment action removed from the Santa Barbara County Superior Court. The district court denied the motion after finding that the amount-in-controversy requirement for diversity jurisdiction was satisfied.
STANDARD OF REVIEW	On a motion to remand, the removing defendant bears the burden of establishing subject-matter jurisdiction. When the complaint does not clearly plead the amount in controversy, the defendant must establish by a preponderance of the evidence that the amount in controversy more likely than not exceeds \$75,000.
PRECEDENTIAL VALUE	unpublished district court order; persuasive authority only
PARTIES	Agustina Cruz Lopez v. Wal-Mart Associates, Inc.

TOPICS

- subject matter jurisdiction
- civil procedure
- employment discrimination
- wrongful termination
- damages

PRACTICE AREAS

civil procedure

employment law

remedies

QUESTIONS PRESENTED

1. Whether the amount in controversy exceeded \$75,000 for purposes of diversity jurisdiction when the complaint did not clearly specify the total amount sought.
2. Whether projected front pay through a conservative estimated trial date could be included in calculating the amount in controversy.
3. Whether potential mitigation of lost wages should be considered in determining the amount in controversy.

HOLDINGS

1. The amount-in-controversy requirement was satisfied because the value of Lopez's claimed lost wages, including projected front pay, more likely than not exceeded \$75,000.
2. Projected front pay representing wages lost after removal may be included in the amount in controversy because future wages are relief that may be awarded on the complaint.
3. The court declined to consider potential mitigation of lost wages when assessing the amount in controversy.

KEY QUOTATIONS

"[W]here it is unclear or ambiguous from the face of a state-court complaint whether the requisite amount in controversy is pled," the removing defendant must establish by a preponderance of the evidence that the amount in controversy "more likely than not" exceeds \$75,000." (2)

"the amount in controversy is not limited to damages incurred prior to removal," (3)

"encompasses all relief a court may grant on that complaint if the plaintiff is victorious." (3)

FACTUAL BACKGROUND

Wal-Mart employed Lopez as maintenance staff from March 1, 2023, until terminating her on October 25, 2023. Lopez alleged that she suffered workplace injuries, received work restrictions, retained counsel for a workers' compensation claim, and was terminated under the pretext of a meal-break violation. She asserted FEHA discrimination, retaliation, accommodation, interactive-process, failure-to-prevent, declaratory-judgment, and wrongful-termination claims and sought compensatory damages including lost wages and benefits.

PROCEDURAL HISTORY

Lopez filed state-law employment claims in the Santa Barbara County Superior Court. Wal-Mart removed the action to the Central District of California under 28 U.S.C. § 1441(a), asserting diversity jurisdiction. Lopez moved to remand, arguing that the amount in controversy did not exceed \$75,000. The district court denied remand.

DISPOSITION

other

CASES CITED

- Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994)
- Provincial Gov't of Marinduque v. Placer Dome, Inc., 582 F.3d 1083, 1087 (9th Cir. 2009)
- Guglielmino v. McKee Foods Corp., 506 F.3d 696, 699 (9th Cir. 2007)
- Matheson v. Progressive Specialty Ins. Co., 319 F.3d 1089, 1090 (9th Cir. 2003)
- Olvera v. Quest Diagnostics, No. 2:19-cv-06157-RGK-(SK), 2019 U.S. Dist. LEXIS 207496, at *5 (C.D. Cal. Dec. 2, 2019)
- Andrade v. Arby's Rest. Grp. Inc., 225 F. Supp. 3d 1115, 1139-40 (N.D. Cal. 2016)
- Chavez v. JPMorgan Chase & Co., 888 F.3d 413, 414-15 (9th Cir. 2018)
- Zambrano v. Rite Aid Corp., No. CV 18-9227-MWG (JEMx), 2019 U.S. Dist. LEXIS 57644, at *8 (C.D. Cal. Apr. 3, 2019)
- Meastas v. Quest Diagnostics, Inc., No. 5:24-cv-00779-MCS-SHK, 2024 U.S. Dist. LEXIS 126996, at *5 n.1 (C.D. Cal. July 17, 2024)
- Leon-Calderon v. Old Dominion Freight Line, Inc., No. 2:22-cv-08930-MCS-KS, 2023 U.S. Dist. [citation truncated in source]