

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Andrew Roach v. Purple Innovation, LLC

Roach v. Purple Innovation · No. 2:25-cv-08140-SB-MBK · Decided September 29, 2025

SUMMARY

The United States District Court for the Central District of California granted Andrew Roach’s motion to remand his California misappropriation-of-likeness claims against Purple Innovation, LLC. The court held that the claims were not shown to be preempted by the Copyright Act under Ninth Circuit precedent and that removal was also untimely because the asserted basis for federal jurisdiction was apparent from the complaint. The case was remanded to the Los Angeles County Superior Court, and attorney’s fees were denied.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Stanley Blumenfeld, Jr.
JURISDICTION	United States District Court for the Central District of California
DECIDED	September 29, 2025
DOCKET	2:25-cv-08140-SB-MBK
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff moved to remand a removed state-law action. The district court granted the motion, concluding that Defendant failed to establish federal-question jurisdiction and, alternatively, that removal was untimely.
STANDARD OF REVIEW	A removing defendant bears the burden of establishing that removal is proper, and doubts concerning the right to removal are resolved in favor of remand.
PRECEDENTIAL VALUE	Unknown; unpublished district court order

TOPICS

- subject matter jurisdiction
- civil procedure
- copyright law
- invasion of privacy appropriation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the California misappropriation-of-likeness claims were completely preempted by the Copyright Act so as to support federal-question jurisdiction and removal.
2. Whether Defendant's August 28, 2025 removal was timely under 28 U.S.C. § 1446(b)(1).

HOLDINGS

1. The claims were not shown to be preempted by the Copyright Act because they targeted the unauthorized use of Plaintiff's name and likeness in advertising, not the copyrightable photograph itself, and were not equivalent to the exclusive rights protected by 17 U.S.C. § 106. Defendant therefore failed to establish federal-question jurisdiction.
2. Removal was untimely because the asserted basis for federal jurisdiction was apparent on the face of the complaint served on June 30, 2025, and Defendant did not remove the case until August 28, 2025, more than 30 days later.

KEY QUOTATIONS

“Federal courts are presumed to lack jurisdiction, and a removing defendant bears the burden of establishing that removal is proper.” (I.A)

“a person's name or likeness is not a work of authorship” (I.A.2)

“a publicity-right claim is not preempted when it targets non-consensual use of one's name or likeness on merchandise or in advertising.” (I.A.2)

FACTUAL BACKGROUND

Andrew Roach, a model, alleged that Purple Innovation used his image and likeness from a June 2021 photoshoot on its website after its authorization to do so had expired. He asserted California common-law misappropriation-of-likeness and Civil Code section 3344 claims based on use of his likeness in advertising Purple's products. Roach did not create the photograph and did not allege a copyright interest in it.

PROCEDURAL HISTORY

Plaintiff filed the action in Los Angeles County Superior Court on June 23, 2025, asserting California common-law and statutory misappropriation-of-likeness claims. Defendant was served on June 30, 2025, and removed the case on August 28, 2025, asserting federal-question jurisdiction based on Copyright Act preemption. The district court granted Plaintiff's motion to remand and declined to reach Defendant's pending motion to dismiss.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The case is remanded to the Los Angeles County Superior Court. The district court did not reach Defendant's pending motion to dismiss.

CASES CITED

- Lake v. Ohana Mil. Communities, LLC, 14 F.4th 993, 1000 (9th Cir. 2021)
- Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)
- Caterpillar Inc. v. Williams, 482 U.S. 386, 392-93 (1987)
- Downing v. Abercrombie & Fitch, 265 F.3d 994, 1003-05 (9th Cir. 2001)
- Maloney v. T3Media, Inc., 853 F.3d 1004, 1011, 1014 (9th Cir. 2017)
- Laws v. Sony Music Entertainment, Inc., 448 F.3d 1134, 1140-42 (9th Cir. 2006)
- Levy Prod. Grp., LLC v. R&R Partners, Inc., 658 F. Supp. 3d 901, 907 (D. Nev. 2023)

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