

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Daniel Brewer v. Aura Recinos et al.

Brewer v. Recinos · No. 2:25-cv-08063-ODW (JCx) · Decided October 8, 2025

SUMMARY

The United States District Court for the Central District of California granted Daniel Brewer’s motion to remand. The court concluded that Defendants had not established complete diversity because unrebutted evidence indicated that Defendant Aura Recinos was domiciled in California, and it remanded the action to the Los Angeles County Superior Court.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Otis D. Wright, II
JURISDICTION	United States District Court for the Central District of California
DECIDED	October 8, 2025
DOCKET	2:25-cv-08063-ODW (JCx)
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff moved to remand a removed state-court action to the Superior Court of California, County of Los Angeles, arguing that complete diversity was lacking because Defendant Aura Recinos was domiciled in California. The district court decided the motion without oral argument and granted remand.
STANDARD OF REVIEW	Removal statutes are strictly construed against removal, and federal jurisdiction must be rejected when there is any doubt about the right to removal. The removing party bears the burden of establishing federal subject-matter jurisdiction.
PRECEDENTIAL VALUE	unpublished district court order; precedential status not stated

TOPICS

- subject matter jurisdiction
- civil procedure
- federalism

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court had diversity subject-matter jurisdiction when the plaintiff alleged, without rebuttal, that Defendant Aura Recinos was domiciled in the same state as the plaintiff.
2. Whether the action should be remanded because the removing defendants failed to establish complete diversity.

HOLDINGS

1. Complete diversity was not established because Plaintiff's un rebutted allegations and supporting evidence indicated that Defendant Aura Recinos was domiciled in California, the same state as Plaintiff.
2. The action had to be remanded because Defendants failed to establish federal subject-matter jurisdiction and there was serious doubt about their right to remove the case.

KEY QUOTATIONS

“The removal statute is strictly construed against removal, and “[f]ederal jurisdiction must be rejected if there is any doubt as to the right of removal in the first instance.””

“Before filing this action, Defendants’ counsel should have conducted a “reasonable investigation of the client’s domicile” prior to filing a diversity action in federal court.”

FACTUAL BACKGROUND

Defendants removed the state-court action claiming diversity jurisdiction, asserting that Plaintiff Daniel Brewer was a California citizen and Defendants BAS Services and Aura Recinos were Nevada citizens. Brewer alleged that Recinos was actually domiciled in California, supported by a private investigator's sworn declaration stating that Recinos had lived in Los Angeles for more than twenty-five years and maintained a California driver's license. Defendants did not rebut those allegations and represented that their investigation into Recinos's domicile was incomplete.

PROCEDURAL HISTORY

The action was removed from the Superior Court of the State of California, County of Los Angeles, based on asserted diversity jurisdiction. Plaintiff moved to remand. Defendants did not file an opposition and sought additional time to investigate Recinos's domicile, but the court vacated the hearing and granted the motion, remanding the action to state court.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The action was remanded to the Superior Court of the State of California, County of Los Angeles, Stanley Mosk Courthouse, 111 N. Hill St., Los Angeles, California 90014, Case No. 25STCV10429.

CASES CITED

- Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994)
- Exxon Mobil Corp. v. Allapattah Servs., Inc., 545 U.S. 546, 553 (2005)
- Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)
- Kanter v. Warner-Lambert Co., 265 F.3d 853, 857 (9th Cir. 2001)
- Lew v. Moss, 797 F.2d 747, 750 (9th Cir. 1986)
- Ghazali v. Moran, 46 F.3d 52, 54 (9th Cir. 1995)
- Hendrix v. Naphtal, 971 F.2d 398, 400 (9th Cir. 1992)

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