

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF  
CALIFORNIA

Aniko Conway v. Medsurant, et al.

No. CV 25-9146-JFW(SSCx), United States District Court for the Central District of California (November 7, 2025)

SUMMARY

The United States District Court for the Central District of California denied Aniko Conway's motion to dismiss Medsurant Operating, LLC as an improper defendant and to remand the action to state court. The court held that removal was timely because Medsurant Operating was a named and served defendant when it removed the case, and that the later decision to dismiss that defendant did not affect removal jurisdiction. The court also ordered lead counsel for both parties to show cause why they should not each be sanctioned \$2,500 for failing to file required proposed statements of decision.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Central District of California                                                                                                                                                                                                                                                                                              |
| WRITING FOR THE COURT | John F. Walter                                                                                                                                                                                                                                                                                                                                                   |
| JURISDICTION          | United States District Court for the Central District of California                                                                                                                                                                                                                                                                                              |
| DECIDED               | November 7, 2025                                                                                                                                                                                                                                                                                                                                                 |
| DOCKET                | CV 25-9146-JFW(SSCx)                                                                                                                                                                                                                                                                                                                                             |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                            |
| PROCEDURAL POSTURE    | Plaintiff moved under Federal Rule of Civil Procedure 21 to dismiss Medsurant Operating as an improper defendant and sought remand to state court based on allegedly untimely removal by the other defendants. The district court denied the motion and issued an order to show cause regarding sanctions for failure to comply with the court's standing order. |
| STANDARD OF REVIEW    | The court applied the statutory and procedural standards governing removal timeliness and propriety, including whether removal was proper based on the pleadings and circumstances existing at the time of removal.                                                                                                                                              |
| PRECEDENTIAL VALUE    | Unpublished district court order; limited persuasive value.                                                                                                                                                                                                                                                                                                      |

TOPICS

motions to dismiss

civil procedure

joinder

sanctions

employment law

## PRACTICE AREAS

civil procedure

employment law

removal and remand

sanctions

## QUESTIONS PRESENTED

1. Whether Medsurant Operating's removal was timely when it removed the action within thirty days after being served, even though other defendants had been served earlier.
2. Whether Plaintiff's later determination that Medsurant Operating was not her employer made Medsurant Operating an improper or nominal defendant and required dismissal under Federal Rule of Civil Procedure 21 or remand under 28 U.S.C. § 1447(c).
3. Whether Plaintiff and Defendants should be ordered to show cause why they should not be sanctioned for violating the court's standing order.

## HOLDINGS

1. Removal was timely because Medsurant Operating filed its notice of removal less than thirty days after it was served with the summons and complaint.
2. Medsurant Operating was not a nominal party at the time of removal, and Plaintiff's later decision to dismiss it did not affect the propriety of the earlier removal. The court declined to dismiss it under Rule 21 and stated that Plaintiff could seek to drop it under Rule 41.
3. The court ordered Plaintiff's and Defendants' lead counsel to show cause in writing why each should not be sanctioned \$2,500 for violating the standing order; sanctions were not imposed in the order itself.

## KEY QUOTATIONS

*“the status of the case as disclosed by the complaint is controlling in the case of removal, since the defendant must file his petition before the time for answer or forever lose his right to remove.”* (III)

*“The power to remove is evaluating at the time of removal”* (III)

## FACTUAL BACKGROUND

Plaintiff filed state-law employment claims against several Medsurant-related defendants, believing they might all have been her employers. Medsurant Operating was served on August 25, 2025 and removed the action on September 24, 2025, while the other served defendants joined the removal. Plaintiff later contended that Medsurant, LLC—not Medsurant Operating—was her employer and sought dismissal of Medsurant Operating and remand based on the other defendants' allegedly late removal deadlines.

## PROCEDURAL HISTORY

Plaintiff filed state-law employment claims in Los Angeles County Superior Court and served Medsurant, Vanessa Rodriguez, and Medsurant Operating on July 25, July 28, and August 25, 2025, respectively. Medsurant Operating removed the action on September 24, 2025, within thirty days of service, and the other served

defendants joined the removal. After learning that Medsurant, rather than Medsurant Operating, allegedly employed her, Plaintiff moved to dismiss Medsurant Operating and remand. The district court denied the motion, vacated the hearing, and ordered counsel to show cause why sanctions should not be imposed for failure to lodge proposed statements of decision.

## DISPOSITION

other

## CASES CITED

- Smith v. Mylan, Inc., 761 F.3d 1042, 1045 (9th Cir. 2014)
- St. Paul Mercury Indemnity Co. v. Red Cab Co., 303 U.S. 283, 291-92 (1938)
- Federal Sav. & Loan Ins. Corp. v. Griffin, 935 F.2d 691, 696 (5th Cir. 1991)