

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Sondra Sweeney v. Paramount Global

Sweeney v. Paramount Global · No. CV 2:24-00708-JAK (RAOx) · Decided February 21, 2025

SUMMARY

The United States District Court for the Central District of California remanded this putative class action to the Los Angeles Superior Court for lack of subject-matter jurisdiction. The court held that the plaintiffs failed to establish Article III standing because they did not allege a credible threat that Paramount Global would enforce the challenged Terms of Use against them. The court deemed all other pending federal motions moot.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	John A. Kronstadt
JURISDICTION	United States District Court for the Central District of California
DECIDED	February 21, 2025
DOCKET	CV 2:24-00708-JAK (RAOx)
DISPOSITION	remanded
PROCEDURAL POSTURE	Putative class action filed in Los Angeles Superior Court and removed by Paramount Global under the Class Action Fairness Act. After jurisdictional discovery concerning Article III standing, the district court remanded the action for lack of subject-matter jurisdiction.
STANDARD OF REVIEW	The removing party bears the burden of establishing that removal is proper, and any doubt concerning removal is resolved in favor of remand. The district court must remand if, at any time before final judgment, it determines that subject-matter jurisdiction is lacking.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Sondra Sweeney, Hue Banh, Jessica Derie, Adam Sauer, Sharon Manier v. Paramount Global

TOPICS

- subject matter jurisdiction
- standing
- class actions
- first amendment
- civil procedure

PRACTICE AREAS

civil procedure

constitutional law

federal jurisdiction

class actions

First Amendment

QUESTIONS PRESENTED

1. Whether Plaintiffs established Article III standing to pursue their pre-enforcement challenge to Paramount Global's Terms of Use.
2. Whether the action had to be remanded to state court because the federal court lacked subject-matter jurisdiction.
3. Whether the remaining motions should be resolved after the court determined that Article III standing was absent.

HOLDINGS

1. Plaintiffs lacked Article III standing because they failed to allege or demonstrate a credible threat that Paramount Global would enforce the challenged Terms of Use against them and failed to show with concrete detail that they intended to violate those terms.
2. Remand, rather than dismissal, was mandatory because the federal court lacked Article III subject-matter jurisdiction.

KEY QUOTATIONS

“To satisfy Article III standing, the plaintiff must have (1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision.” (at 3)

“If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.” (at 4)

“Mere insinuation is not enough.” (at 6)

“In the absence of standing, remand is mandatory.” (at 7)

FACTUAL BACKGROUND

Plaintiffs challenged Paramount Global's Terms of Use, alleging that the terms threatened restrictions or punishment of speech and violated California Civil Code section 1670.8. The complaint did not allege that Paramount had enforced, or planned to enforce, the challenged terms against Plaintiffs or anyone else. After jurisdictional discovery, Plaintiffs' responses referred generally to threats against individuals and still did not establish a personal and concrete threat of enforcement or concrete intent to violate the terms.

PROCEDURAL HISTORY

Plaintiffs filed a putative class action in Los Angeles Superior Court alleging that Paramount Global violated California Civil Code section 1670.8. Paramount removed the action under the Class Action Fairness Act and moved to dismiss or transfer venue. The district court deferred ruling, permitted limited jurisdictional discovery,

and received supplemental briefing on Article III standing. The court concluded that Plaintiffs had not shown standing and remanded the action to the Los Angeles Superior Court, rendering the remaining federal motions moot.

DISPOSITION

remanded

REMAND INSTRUCTIONS

Remanded the matter to the Los Angeles Superior Court, Case No. 23STCV31038, at the Stanley Mosk Courthouse. All other pending federal motions were deemed moot with respect to the proceedings in federal court.

CASES CITED

- Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)
- ARCO Env't Remediation, L.L.C. v. Dep't of Health & Env't Quality, 213 F.3d 1108, 1113 (9th Cir. 2000)
- Am. C.L.U. of Nev. v. Lomax, 471 F.3d 1010, 1015 (9th Cir. 2006)
- Van Patten v. Vertical Fitness Grp., LLC, 847 F.3d 1037, 1042 (9th Cir. 2017)
- Spokeo, Inc. v. Robins, 578 U.S. 330, 338-39 (2016)
- Lujan v. Defs. of Wildlife, 504 U.S. 555, 561 (1992)
- Robins v. Spokeo, Inc., 867 F.3d 1108, 1112 (9th Cir. 2017)
- Polo v. Innoventions Int'l, LLC, 833 F.3d 1193, 1196, 1198 (9th Cir. 2016)
- Kelton Arms Condo. Owners Ass'n v. Homestead Ins. Co., 346 F.3d 1190, 1192 (9th Cir. 2003)
- ASARCO Inc. v. Kadish, 490 U.S. 605, 617 (1989)
- Ariz. Right to Life Pol. Action Comm. v. Bayless, 320 F.3d 1002, 1006 (9th Cir. 2003)
- Lopez v. Candaele, 630 F.3d 775, 786, 1171-72 (9th Cir. 2010)
- Ramos v. Amazon.com, 2:24-cv-00089-HDV-E, 2024 WL 4882638, at *3 (C.D. Cal. Nov. 25, 2024)
- Unified Data Servs., LLC v. Fed. Trade Comm'n, 39 F.4th 1200, 1211 (9th Cir. 2022)
- Susan B. Anthony List v. Driehaus, 573 U.S. 149, 161 (2014)
- TransUnion LLC v. Ramirez, 594 U.S. 413, 423 (2021)

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