

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Debra Biane, et al. v. Universal City Studios, LLC, et al.

Biane v. Universal City Studios · No. 2:25-cv-01271-AB-PD · Decided May 16, 2025

SUMMARY

The United States District Court for the Central District of California granted Plaintiffs’ motion to remand the action to Los Angeles County Superior Court. The court held that Defendant’s removal was untimely because discovery responses and medical records made the amount in controversy facially apparent more than 30 days before removal, but denied Plaintiffs’ request for attorneys’ fees and costs.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Andre Birotte Jr.
JURISDICTION	United States District Court for the Central District of California
DECIDED	May 16, 2025
DOCKET	2:25-cv-01271-AB-PD
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiffs moved to remand a removed state-court action and requested attorneys' fees and costs under 28 U.S.C. § 1447(c).
STANDARD OF REVIEW	The removing party bears a heavy burden to establish federal jurisdiction, and removal statutes are strictly construed against removal.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Debra Biane, Gerald Scott Biane, Josh Taylorson, Sami-Joh Goldberg v. Universal City Studios, LLC

TOPICS

- subject matter jurisdiction
- civil procedure
- attorney fees
- costs

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Universal's notice of removal was timely under 28 U.S.C. § 1446(b).
2. Whether Plaintiffs were entitled to attorneys' fees and costs incurred in obtaining remand under 28 U.S.C. § 1447(c).

HOLDINGS

1. Universal's removal was untimely because Plaintiffs' October 17, 2024 discovery responses and medical records made it facially apparent that the amount in controversy exceeded \$75,000, triggering the thirty-day removal period; Universal's February 13, 2025 removal occurred well after that deadline.
2. Plaintiffs were not entitled to attorneys' fees and costs because they did not show that Universal lacked an objectively reasonable basis for removal.

KEY QUOTATIONS

“Because Plaintiff’s discovery responses allege in detail the nature of Plaintiffs’ injuries and the surgeries received, the Court concludes that it was facially apparent from the discovery responses served on October 17, 2024 that the amount in controversy exceeded the jurisdictional minimum for diversity jurisdiction.”

“Although removal was untimely, Defendant’s basis of removal was objectively reasonable as the parties were diverse (in Defendant’s eyes) and the amount-in-controversy exceeded \$75,000.”

FACTUAL BACKGROUND

Plaintiffs alleged injuries including neck, back, and rib injuries, multiple medical evaluations and medications, two rib-resection surgeries, and the need for a further surgery. On October 17, 2024, Plaintiffs served interrogatory responses and medical records describing the injuries and treatment. Universal did not remove the action until February 13, 2025.

PROCEDURAL HISTORY

Plaintiffs commenced the action in Los Angeles County Superior Court in April 2024 and later amended the complaint to name Universal City Studios, LLC. Plaintiffs served discovery responses and medical records on October 17, 2024, and Universal removed the action on February 13, 2025. The district court granted the motion to remand because removal was untimely, denied attorneys' fees and costs, and directed the Clerk to close the matter.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The action was remanded to the Los Angeles County Superior Court. The Clerk of Court was directed to close the matter.

CASES CITED

- Caterpillar Inc. v. Lewis, 519 U.S. 61, 67-68 (1996)
- Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)
- Carvalho v. Equifax Info. Servs., LLC, 629 F.3d 876, 885 (9th Cir. 2010)
- Kuxhausen v. BMW Fin. Servs. NA LLC, 707 F.3d 1136, 1139-1140 (9th Cir. 2013)
- Harris v. Bankers Life & Cas. Co., 425 F.3d 689, 693, 695 (9th Cir. 2005)
- Durham v. Lockheed Martin Corp., 445 F.3d 1247, 1250-1251 (9th Cir. 2006)
- Hammarlund v. C.R. Bard, Inc., 2015 WL 5826780, at *2 (C.D. Cal. Oct. 2, 2015)
- Campbell v. Bridgestone/Firestone, Inc., No. CIVF051499FVSDLB, 2006 WL 707291, at *3 (E.D. Cal. Mar. 17, 2006)
- Fjelstad v. Vitamin Shoppe Indus. LLC, No. 220CV07323ODWAFMX, 2021 WL 364638, at *4 (C.D. Cal. Feb. 3, 2021)
- Gebbia v. Wal-Mart Stores, Inc., 233 F.3d 880, 883 (5th Cir. 2000)
- Martin v. Franklin Capital Corp., 546 U.S. 132, 141 (2005)