

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF  
CALIFORNIA

Sara Torres v. AT and T Mobility Services LLC et al.

Torres v. AT&T Mobility Services LLC · No. 2:25-cv-08930-SVW-JC · Decided December 1, 2025

SUMMARY

The Central District of California denied Sara Torres’s motion to remand an employment-related action removed from state court by AT&T. The court held that diversity jurisdiction existed because the amount in controversy exceeded \$75,000 based on the plaintiff’s claimed lost wages alone. The court therefore did not address other categories of damages.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Central District of California                                                                                                                                                                            |
| WRITING FOR THE COURT | Stephen V. Wilson                                                                                                                                                                                                                              |
| JURISDICTION          | U.S. District Court for the Central District of California                                                                                                                                                                                     |
| DECIDED               | December 1, 2025                                                                                                                                                                                                                               |
| DOCKET                | 2:25-cv-08930-SVW-JC                                                                                                                                                                                                                           |
| DISPOSITION           | denied                                                                                                                                                                                                                                         |
| PROCEDURAL POSTURE    | Plaintiff moved to remand an employment action removed from state court based on diversity jurisdiction, arguing that the amount in controversy did not exceed \$75,000.                                                                       |
| STANDARD OF REVIEW    | On a factual attack to removal jurisdiction, the removing defendant must establish by a preponderance of the evidence that federal jurisdiction exists. The court may consider summary-judgment-type evidence in resolving a motion to remand. |
| PRECEDENTIAL VALUE    | Unknown                                                                                                                                                                                                                                        |
| PARTIES               | Sara Torres v. AT and T Mobility Services LLC, AT and T, Inc., Charles Forston, Matthew Blake                                                                                                                                                  |

TOPICS

- subject matter jurisdiction
- civil procedure
- damages

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the amount in controversy exceeded \$75,000 for purposes of diversity jurisdiction and removal under 28 U.S.C. § 1441(a).
2. Whether the defendant established the amount in controversy by a preponderance of the evidence based on the plaintiff's alleged lost wages.

## HOLDINGS

1. The amount in controversy exceeded \$75,000 because the plaintiff's alleged lost wages alone were at least \$90,641.88 at the time of removal.
2. Remand was not warranted because defendant established by a preponderance of the evidence that the amount-in-controversy requirement for diversity jurisdiction was satisfied.

## KEY QUOTATIONS

*“Federal courts are courts of limited jurisdiction . . . .”*

*“the amount in controversy is determined by the complaint operative at the time of removal and encompasses all relief a court may grant on that complaint if the plaintiff is victorious.”*

## FACTUAL BACKGROUND

Torres was employed by AT and T Mobility Services LLC from November 2021 until her termination in May 2024. After being diagnosed with anxiety and depression, she requested intermittent medical leave, but she was terminated before receiving a response and was later told the termination was based on attendance. Her complaint sought lost wages and benefits, emotional-distress damages, punitive damages, and attorney fees.

## PROCEDURAL HISTORY

Torres filed an employment-related lawsuit in state court on June 20, 2025. AT&T removed the action to federal court on September 18, 2025, invoking diversity jurisdiction. Torres moved to remand on October 20, 2025. The district court denied the motion, concluding that the amount in controversy exceeded \$75,000 based on alleged lost wages alone.

## DISPOSITION

denied

## CASES CITED

- *Gunn v. Minton*, 568 U.S. 251, 256 (2013)
- *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375 (1994)
- *Gonzales v. CarMax Auto Superstores, LLC*, 840 F.3d 644, 648 (9th Cir. 2016)

- Gaus v. Miles, Inc., 980 F.2d 564, 565 (9th Cir. 1992)
- Gaus v. Miles, Inc., 980 F.2d 564, 567 (9th Cir. 1992)
- Leite v. Crane Co., 749 F.3d 1117, 1122 (9th Cir. 2014)
- Harris v. KM Indus., Inc., 980 F.3d 694, 699 (9th Cir. 2020)
- Ibarra v. Manheim Invs., Inc., 775 F.3d 1193, 1197 (9th Cir. 2015)
- Chavez v. JPMorgan Chase & Co., 888 F.3d 413, 414-15 (9th Cir. 2018)

## OPINION

CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES - GENERAL Case No. 2:25-cv-08930-SVW-JC Date December 1, 2025 Title Sara Torres v. AT and T Mobility Services LLC et al Present: The Honorable STEPHEN V. WILSON, U.S. DISTRICT JUDGE Daniel Tamayo N/A Deputy Clerk Court Reporter / Recorder Attorneys Present for Plaintiffs: Attorneys Present for Defendants: N/A N/A Proceedings: ORDER DENYING PLAINTIFF’S MOTION TO REMAND [16] I. Introduction Before the Court is a motion to remand brought by Plaintiff Sara Torres.

Plaintiff’s Motion to Remand (“Mot.”), ECF No. 16. For the following reasons, the motion is DENIED. II. Background Plaintiff Sara Torres was employed by Defendant AT and T Mobility Services LLC (“AT&T”) as a Customer Service Salesperson from November 2021 until her termination in May 2024. Complaint (“Compl.”), ECF No. 1-2, ¶¶ 10, 13. Torres was diagnosed with anxiety and depression in June 2023.

Id. ¶ 13. Pursuant to a doctor’s note, in April 2024, Torres requested permission from Defendant to take intermittent medical leave for her anxiety and depression. Id. However, before receiving a response regarding this request, Torres’s manager, Charles Forston, informed Plaintiff on May 25, 2024 that she was terminated. Id. On May 27, 2024, Torres received an email from Defendant that her request for medical leave was denied.

Id. In a meeting on May 29, 2024, Director Matthew Blake informed Torres that she was terminated because of her attendance. Id. On June 20, 2025, Plaintiff filed a lawsuit against Defendants—AT and T Mobility Services LLC, AT and T, Inc., Charles Forston, and Matthew Blake—alleging eleven causes of action relating to Plaintiff’s termination. See Compl. ¶¶ 19-85.

AT&T removed the action to federal court on September 18, CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES - GENERAL Case No. 2:25-cv-08930-SVW-JC Date December 1, 2025 Title Sara Torres v. AT and T Mobility Services LLC et al 2025. Notice of Removal, ECF No. 1. Plaintiff filed the instant motion to remand on October 20, 2025. See Mot. III. Legal Standard “Federal courts are courts of limited jurisdiction....” *Gunn v. Minton*, 568 U.S. 251, 256 (2013) (quoting *Kokkonen v. Guardian Life Ins.*

*Co. of Am.*, 511 U.S. 375 (1994)). As such, a federal court can only exercise jurisdiction over actions where a federal question exists, or where there is both complete diversity of citizenship

between the parties and the amount in controversy exceeds \$75,000. 28 U.S.C. §§ 1331, 1332. Pursuant to 28 U.S.C. § 1441(a), “a defendant may remove any action filed in state court if a federal district court would have had original jurisdiction.” *Gonzales v. CarMax Auto Superstores, LLC*, 840 F.3d 644, 648 (9th Cir.

2021). The Ninth Circuit strictly construes the removal statute against removal, and jurisdiction must be rejected if there is any doubt as to the right of removal in the first instance. *Gaus v. Miles, Inc.*, 980 F.2d 564, 565 (9th Cir. 1997). Remand may be granted for a defect in the removal procedure or for lack of subject matter jurisdiction. 28 U.S.C. § 1447(c).

A plaintiff’s motion to remand may raise either a facial attack or factual attack on the defendant’s jurisdictional allegations. *Leite v. Crane Co.*, 749 F.3d 1117, 1122 (9th Cir. 2014). “A facial attack accepts the truth of the defendant’s allegations but asserts that they are insufficient on their face to invoke federal jurisdiction.” *Harris v. KM Indus., Inc.*, 980 F.3d 694, 699 (9th Cir.

2020) (cleaned up). In contrast, a factual attack contests the truth of the allegations themselves. *Harris*, 980 F.3d at 699. “When a plaintiff mounts a factual attack, the burden is on the defendant to show, by a preponderance of the evidence,” that jurisdiction exists. *Id.*; see *Gaus v. Miles, Inc.*, 980 F.2d 564, 567 (9th Cir. 1992).

In analyzing a motion to remand, courts may consider summary-judgment-type evidence submitted by the parties. *Ibarra v. Manheim Invs., Inc.*, 775 F.3d 1193, 1197 (9th Cir. 2015). IV. Discussion Defendant removed this action based on diversity jurisdiction pursuant to 28 U.S.C. § 1441(a). Notice of Removal at 4. Plaintiff only challenges whether Defendant has met its burden of establishing CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES - GENERAL Case No. 2:25-cv-08930-SVW-JC Date December 1, 2025 Title Sara Torres v. AT and T Mobility Services LLC et al that the amount in controversy exceeds \$75,000.

Mot. at 1. “[T]he amount in controversy is determined by the complaint operative at the time of removal and encompasses all relief a court may grant on that complaint if the plaintiff is victorious.” *Chavez v. JPMorgan Chase & Co.*, 888 F.3d 413, 414–15 (9th Cir. 2018).

Here, Plaintiff seeks economic damages, including lost past and future income and employment benefits; non-economic damages, including emotional distress; punitive damages; and attorneys’ fees. Compl. ¶¶ 14-16. Plaintiff’s request for lost wages alone exceeds the jurisdictional threshold. Defendant provides evidence that Plaintiff’s annual salary is about \$60,427.86.

Declaration of Alencia Deanda-Gregg (“Deanda-Gregg Decl.”), ECF No. 4, ¶ 4.1,2 Plaintiff pleads that she “has sustained and continues to sustain substantial losses of earnings.” Compl. ¶ 22 (emphasis added). Over 18 months have elapsed since her termination at the end of May 2024. At a monthly income of \$5,035.66, Plaintiff is seeking at least \$90,641.88 in lost wages.

Plaintiff does not present any evidence to challenge Defendant's calculations or assumptions. The Court thus finds that Defendant has met its burden in showing the jurisdictional amount exceeds \$75,000. Given the Court has done so based solely on Plaintiff's request for lost wages, the Court need not address other components of the amount in controversy.

V. Conclusion For the foregoing reasons, the Court DENIES Plaintiff's motion to remand. IT IS SO ORDERED. 1 Plaintiff makes a slew of boilerplate objections to Defendant's declaration. Plaintiff's Objections, ECF No. 17.

The Court finds them meritless. The declarant is employed by Defendant in a human resources capacity and regularly handles employee records like those relied upon here for removal. Deanda-Gregg Decl. ¶¶ 1-2. This declaration serves as sufficient evidence for purposes of resolving the instant motion to remand. 2 The declaration notes that Plaintiff "earned \$23,911.72 in 2025, and \$60,427.86 in 2024." Deanda-Gregg Decl. ¶ 4.

Given Plaintiff was terminated in May 2024, the record should show that she made \$0 in 2025, not \$23,911.72. The Court believes the years provided are typographical errors and should be offset by one year, such that Plaintiff earned \$23,911.72 in 2024 and \$60,427.86 in 2023.

The Court is nevertheless confident these values are accurate because back-of-the-napkin math shows that Plaintiff's corrected 2024 earnings align with the fact she worked for only about five months of the year.