

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Deborah A. Perez v. Sams West, Inc.

No. EDCV 25-1164-KK-SHKx · No. EDCV 25-1164-KK-SHKx · Decided July 17, 2025

SUMMARY

The United States District Court for the Central District of California denied Deborah A. Perez’s motion to remand a premises-liability and negligence action against Sam’s West, Inc. and Lupita de Haro. The court held that de Haro was fraudulently joined because she did not own, possess, or control the Sam’s Club premises at the time of the alleged slip-and-fall. After disregarding de Haro’s California citizenship, the court found complete diversity and an amount in controversy exceeding \$75,000.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Kenly Kiya Kato
JURISDICTION	United States District Court for the Central District of California
DECIDED	July 17, 2025
DOCKET	EDCV 25-1164-KK-SHKx
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to remand a removed personal-injury action to California state court, arguing that a nondiverse individual defendant was not fraudulently joined.
STANDARD OF REVIEW	Removal statutes are strictly construed against removal jurisdiction, and doubts are resolved against removability. On fraudulent joinder, the removing party must establish by clear and convincing evidence either actual fraud in pleading jurisdictional facts or the inability to establish a cause of action against the nondiverse defendant; the court may pierce the pleadings and consider summary-judgment-type evidence.
PRECEDENTIAL VALUE	unpublished district-court order; precedential status unknown
PARTIES	Deborah A. Perez v. Sams West, Inc., Lupita de Haro

TOPICS

subject matter jurisdiction

civil procedure

negligence

premises liability

personal injury

PRACTICE AREAS

civil procedure

personal injury

negligence

premises liability

QUESTIONS PRESENTED

1. Whether Lupita de Haro was fraudulently joined as a defendant under California law such that her California citizenship could be disregarded for diversity-jurisdiction purposes.
2. Whether complete diversity and the amount-in-controversy requirement existed after disregarding de Haro's citizenship.
3. Whether the court should consider de Haro's declaration and potential future joinder of additional California employees in deciding the motion to remand.

HOLDINGS

1. De Haro was fraudulently joined because Perez could not establish a negligence or premises-liability cause of action against a person who did not own, possess, or control the premises at the time of the incident.
2. The court had diversity jurisdiction because, after disregarding de Haro's citizenship, Perez was a California citizen, Sams West was an Arkansas citizen, and the amount in controversy exceeded \$75,000.
3. Potential future amendment to add additional nondiverse employees did not provide a basis for remand because those employees had not yet been joined and no leave to amend had been sought.

KEY QUOTATIONS

“Federal jurisdiction must be rejected if there is any doubt as to the right of removal in the first instance.”
(Legal Standard)

“if there is a possibility that a state court would find that the complaint states a cause of action against any of the resident defendants, the federal court must find that the joinder was proper and remand the case to the state court.” (Legal Standard)

“Hence, because defendant de Haro did not own, possess, or control the premises at issue, Plaintiff cannot establish a cause of action for negligence or premises liability against defendant de Haro.” (Discussion § IV.B)

FACTUAL BACKGROUND

Perez alleged that she slipped and fell on unattended strawberries in the produce section of a Sam's Club in Riverside, California, on April 14, 2023. She asserted negligence and premises-liability claims against Sams West, de Haro, and Doe defendants. De Haro declared that she was working as a co-manager at a San Diego Sam's Club on the incident date and had no involvement in the Riverside store's design, maintenance, operation, ownership, control, or inspection; she did not begin working at the Riverside store until July 29, 2023.

PROCEDURAL HISTORY

Perez filed a complaint in Riverside County Superior Court asserting negligence and premises-liability claims arising from a slip-and-fall at a Sam's Club. Defendants removed the action to the Central District of California under diversity jurisdiction, asserting that California defendant Lupita de Haro had been fraudulently joined. After briefing, the district court denied the motion to remand.

DISPOSITION

other

CASES CITED

- Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)
- Luther v. Countrywide Home Loans Servicing LP, 533 F.3d 1031, 1034 (9th Cir. 2008)
- Chavez v. JPMorgan Chase & Co., 888 F.3d 413, 415 (9th Cir. 2018)
- Grancare, LLC v. Thrower, 889 F.3d 543, 548-49 (9th Cir. 2018)
- Caterpillar Inc. v. Lewis, 519 U.S. 61, 68 (1996)
- Morris v. Princess Cruises, Inc., 236 F.3d 1061, 1067-68 (9th Cir. 2001)
- Hunter v. Philip Morris USA, 582 F.3d 1039, 1044, 1046 (9th Cir. 2009)
- Hamilton Materials, Inc. v. Dow Chem. Corp., 494 F.3d 1203, 1206 (9th Cir. 2007)
- Bell v. Hood, 327 U.S. 678, 682-83 (1946)
- Kesner v. Superior Ct., 384 P.3d 283, 300 (Cal. 2016)
- Moses v. Roger-McKeeever, 91 Cal. App. 5th 172, 178-79 (2023)
- McDowell v. Walmart Inc., No. EDCV 22-897-JGB-KKx, 2022 WL 3018064, at *3 (C.D. Cal. July 28, 2022)
- Cavallini v. State Farm Mutual Auto Ins. Co., 44 F.3d 256, 263 (5th Cir. 1995)
- Osuna v. Target Corp., No. 2:22-CV-07-960-ODW-PVCx, 2023 WL 1784733, at *3-4 (C.D. Cal. Feb. 6, 2023)

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