

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Silva v. Kaiser Foundation Hospitals

No. 2:25-cv-00142-DJC-JDP (E.D. Cal. Aug. 12, 2025) · No. 2:25-cv-00142-DJC-JDP · Decided August 13, 2025

SUMMARY

The United States District Court for the Eastern District of California considered Plaintiff Richard Silva’s motion to remand and Defendant Kaiser Foundation Hospitals’ motion to dismiss. The court held that the plaintiff’s wage-and-hour claims were not preempted under section 301 of the LMRA because the claims arose from state law and did not require interpretation of the collective bargaining agreement. The court granted remand to the Solano County Superior Court and denied the motion to dismiss.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Daniel J. Calabretta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 13, 2025
DOCKET	2:25-cv-00142-DJC-JDP
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff moved to remand a removed California state-court employment action, and Defendant moved to dismiss on the ground that the claims were preempted by section 301 of the LMRA and subject to a collective-bargaining agreement's grievance and arbitration provisions.
STANDARD OF REVIEW	Federal removal statutes are strictly construed, doubts about removal are resolved against federal jurisdiction, and the removing defendant bears the burden of establishing federal jurisdiction. A remand is mandatory when the district court lacks subject-matter jurisdiction. On a Rule 12(b)(6) motion, dismissal is appropriate only when the complaint lacks a cognizable legal theory or sufficient facts to support one, with factual allegations construed in the nonmoving party's favor.
PRECEDENTIAL VALUE	nonprecedential district court order

TOPICS

subject matter jurisdiction

arbitration

wage and hour

motions to dismiss

civil procedure

PRACTICE AREAS

civil procedure

labor and employment law

employment arbitration

wage and hour

federal jurisdiction

QUESTIONS PRESENTED

1. Whether the remaining state-law wage-and-hour claims were completely preempted by section 301 of the LMRA so as to create federal-question jurisdiction.
2. Whether the collective bargaining agreement contained a clear and unmistakable waiver of Silva's right to a judicial forum for the wage-and-hour claims.
3. Whether adjudicating the wage-and-hour claims required interpretation, rather than mere reference to, the collective bargaining agreement.
4. Whether Defendant's Rule 12(b)(6) motion should be granted.

HOLDINGS

1. The claims were not preempted under the first step of the section 301 preemption analysis because the right to compensation for hours worked was conferred by state law, and the collective bargaining agreement did not clearly and unmistakably waive Silva's right to a judicial forum.
2. The wage-and-hour claims were not preempted under the second step because Defendant did not show that interpreting the collective bargaining agreement, as opposed to merely referring to it, was necessary to adjudicate the claims.
3. The court could not exercise federal jurisdiction over the remaining state-law claims after the amendment because the remaining claims were not completely preempted under section 301.
4. The motion to dismiss was denied because the court remanded for lack of subject-matter jurisdiction and did not reach the merits of Defendant's asserted grievance-and-arbitration defense.

KEY QUOTATIONS

"The use of a defense cannot be used to form the basis of a federal question for purposes of jurisdiction." (at 8)

"Defendants must explain why interpretation, as opposed to mere reference to the CBA, is necessary." (at 10)

FACTUAL BACKGROUND

Richard Silva worked for Kaiser Foundation Hospitals as a drywall finisher and painter from April 2019 until August 2024 in the Napa and Solano service area. His employment was governed by two successive collective bargaining agreements, with the later agreement adding a provision requiring certain wage-and-hour claims to proceed through grievance and arbitration procedures. Silva alleged that after requesting intermittent CFRA leave, he was demoted, replaced, and terminated, and that he was not paid for brief periods spent performing

work-related tasks while off the clock. The remaining wage claims were based principally on alleged unpaid minimum wages and derivative wage-statement, waiting-time, and UCL claims.

PROCEDURAL HISTORY

Plaintiff originally filed the action in the Superior Court of California, County of Solano. Defendant removed the action to the Eastern District of California, asserting federal-question jurisdiction based on section 301 of the LMRA. Plaintiff filed a First Amended Complaint that omitted two wage claims, then moved to remand; Defendant moved to dismiss. The court granted remand, denied the motion to dismiss, directed the Clerk to close the federal case, and ordered remand to the Superior Court of California, County of Solano.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The Clerk of Court was directed to close the federal case and remand the action to the Superior Court of California, County of Solano.

CASES CITED

- City of Chicago v. International College of Surgeons, 522 U.S. 156, 163 (1997)
- Rivet v. Regions Bank of Louisiana, 522 U.S. 470, 475 (1998)
- Grancare, LLC v. Thrower by and through Mills, 889 F.3d 543, 550 (9th Cir. 2018)
- Geographic Expeditions, Inc. v. Estate of Lhotka, 599 F.3d 1102, 1106-07 (9th Cir. 2010)
- Gaus v. Miles, Inc., 980 F.2d 564, 566-67 (9th Cir. 1992)
- Hunter v. Philip Morris USA, 582 F.3d 1039, 1042 (9th Cir. 2009)
- Smith v. Mylan, Inc., 761 F.3d 1042, 1044 (9th Cir. 2014)
- Bruns v. National Credit Union Administration, 122 F.3d 1251, 1257 (9th Cir. 1997)
- Mendiondo v. Centinela Hospital Medical Center, 521 F.3d 1097, 1104 (9th Cir. 2008)
- Steinle v. City and County of San Francisco, 919 F.3d 1154, 1160 (9th Cir. 2019)
- Ashcroft v. Iqbal, 556 U.S. 662, 679 (2009)
- Thomas v. Pacific Gas & Electric Co., 768 F. Supp. 3d 1021, 1024 (N.D. Cal. 2025)
- Royal Canin U.S.A., Inc. v. Wullschleger, 604 U.S. 22, 25-26 (2025)
- Williams v. Costco Wholesale Corp., 471 F.3d 975, 976 (9th Cir. 2006)
- Allis-Chalmers Corp. v. Lueck, 471 U.S. 202, 209 (1985)
- Burnside v. Kiewit Pacific Corp., 491 F.3d 1053, 1059-60 (9th Cir. 2007)
- Franchise Tax Board v. Construction Laborers Vacation Trust, 463 U.S. 1, 23 (1983)
- Caterpillar Inc. v. Williams, 482 U.S. 386, 393, 398-99 (1987)
- Kobold v. Good Samaritan Regional Medical Center, 832 F.3d 1024, 1034 (9th Cir. 2016)
- Mellon v. Universal County Studios, 625 F. Supp. 3d 1007, 1014-15 (C.D. Cal. 2022)

- *Renteria-Hinjosa v. Sunsweet Growers*, No. 2:23-cv-01413-DJC-DB, 2023 WL 6519308, at *5-6 (E.D. Cal. Oct. 5, 2023)
- *Wilson-Davis v. SSP America, Inc.*, 434 F. Supp. 3d 806, 813, 817 (C.D. Cal. 2020)
- *Munoz v. Atlantic Express of LA, Inc.*, No. 2:12-cv-06074-GHK-FMO, 2012 WL 5349408, at *4 (C.D. Cal. Oct. 30, 2012)
- *Wright v. Universal Maritime Service Corp.*, 525 U.S. 70, 80-81 (1998)
- *14 Penn Plaza LLC v. Pyett*, 556 U.S. 247, 257 (2009)
- *Epic Systems Corp. v. Lewis*, 584 U.S. 497, 524-25 (2018)
- *Prime Healthcare Paradise Valley LLC*, 368 NLRB No. 10, 2019 WL 2525342, at *8-9 (June 18, 2019)
- *Segismundo v. Rancho Murieta Country Club*, No. 2:21-cv-02272-DAD-JDP, 2022 WL 9921676, at *4 n.2 (E.D. Cal. Oct. 17, 2022)
- *Alexander v. Republic Services, Inc.*, No. 2:17-cv-00644-WBS-AC, 2017 WL 2189770, at *4-5 (E.D. Cal. May 18, 2017)