

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Susana Reyes v. Federal Express Corporation et al.

Reyes v. FedEx · No. 5:25-cv-02248-SSS-SPx · Decided January 5, 2026

SUMMARY

The United States District Court for the Central District of California granted Plaintiff Susana Reyes’s motion to remand her employment-related action to California state court. The court held that Defendant Brian Baiza was not shown by clear and convincing evidence to have been fraudulently joined, but denied Plaintiff’s request for attorneys’ fees because removal was not objectively unreasonable.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Sunshine S. Sykes
JURISDICTION	United States District Court for the Central District of California
DECIDED	January 5, 2026
DOCKET	5:25-cv-02248-SSS-SPx
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff moved to remand an employment-related action removed from California state court on diversity-jurisdiction grounds and requested attorneys' fees and costs under 28 U.S.C. § 1447(c).
STANDARD OF REVIEW	The removing defendant bears the burden of establishing that removal is proper, and doubts are resolved against removability. Fraudulent joinder must be established by clear and convincing evidence; remand is required if there is any non-fanciful possibility that the plaintiff could establish a state-law claim against the nondiverse defendant, including through amendment.
PRECEDENTIAL VALUE	Unknown

TOPICS

- subject matter jurisdiction
- civil procedure
- employment discrimination
- intentional infliction of emotional distress
- ada / disability

PRACTICE AREAS

civil procedure

removal and remand

diversity jurisdiction

employment law

intentional infliction of emotional distress

QUESTIONS PRESENTED

1. Whether Federal Express established by clear and convincing evidence that Brian Baiza was fraudulently joined because the intentional-infliction-of-emotional-distress claim was preempted by the California Workers' Compensation Act.
2. Whether there was any non-fanciful possibility that Plaintiff could establish an intentional-infliction-of-emotional-distress claim against Baiza under California law.
3. Whether Plaintiff was entitled to attorneys' fees and costs incurred because of the removal under 28 U.S.C. § 1447(c).

HOLDINGS

1. Federal Express failed to establish by clear and convincing evidence that Baiza was fraudulently joined based on Workers' Compensation Act preemption. Because Plaintiff could potentially amend her complaint to allege that Baiza's discriminatory, retaliatory, or harassing conduct exceeded the risks inherent in the employment relationship, the claim could not be disregarded for diversity purposes.
2. There was a non-fanciful possibility that Plaintiff could establish an intentional-infliction-of-emotional-distress claim against Baiza; therefore, Baiza was not fraudulently joined and remand was required.
3. Plaintiff was not entitled to attorneys' fees and costs because Federal Express had an objectively reasonable basis for removal, even though the removal ultimately failed.

KEY QUOTATIONS

"A defendant seeking removal has the burden to establish that removal is proper and any doubt is resolved against removability." (3)

"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." (4)

"To state a claim for IIED, a plaintiff must show that (1) the defendant subjected him to extreme and outrageous conduct; (2) the defendant's intention of causing, or reckless disregard of the probability of causing, emotional distress; (3) plaintiff suffered severe or extreme emotional distress; and (4) actual and proximate causation of the emotional distress by defendant's outrageous conduct." (7)

"Because there is a non-fanciful possibility of IIED liability against Defendant Baiza, a finding of fraudulent joinder is inappropriate." (8)

FACTUAL BACKGROUND

Plaintiff alleged that she worked for Federal Express beginning in 2018 and that supervisor Brian Baiza subjected her to age- and disability-related mistreatment, including denying or interfering with rest breaks, making an age-related remark, disregarding a physician's work restriction, and refusing accommodations. She further alleged that Baiza suspended and terminated her after an incident involving food taken from a workplace refrigerator, and that the termination was motivated by discrimination and retaliation. Her complaint asserted employment-related statutory and common-law claims against Federal Express and an intentional-infliction-of-emotional-distress claim against Baiza.

PROCEDURAL HISTORY

Plaintiff filed suit in the Superior Court of California, County of San Bernardino, against FedEx Corporation and Brian Baiza. She later dismissed FedEx Corporation and substituted Federal Express Corporation as the correct employing entity. Federal Express removed the action based on diversity jurisdiction, asserting that Baiza, a nondiverse defendant, had been fraudulently joined because the intentional-infliction-of-emotional-distress claim against him was preempted by the California Workers' Compensation Act and inadequately pleaded. The district court granted the motion to remand, denied attorneys' fees and costs, and remanded the action to state court.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The case was remanded to the Superior Court of California, County of San Bernardino. Each party was ordered to bear its own costs; Plaintiff's request for attorneys' fees and costs was denied.

CASES CITED

- Chavez v. JPMorgan Chase & Co., 888 F.3d 413, 415 (9th Cir. 2018)
- Luther v. Countrywide Home Loans Servicing LP, 533 F.3d 1031, 1034 (9th Cir. 2008)
- Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)
- Grancare, LLC v. Thrower by & through Mills, 889 F.3d 543, 548 (9th Cir. 2018)
- Caterpillar Inc. v. Lewis, 519 U.S. 61, 68 (1996)
- Morris v. Princess Cruises, Inc., 236 F.3d 1061, 1067 (9th Cir. 2001)
- Hunter v. Philip Morris USA, 582 F.3d 1039, 1043-1046 (9th Cir. 2009)
- Padilla v. AT & T Corp., 697 F. Supp. 2d 1156, 1159 (C.D. Cal. 2009)
- Hamilton Materials, Inc. v. Dow Chem. Corp., 494 F.3d 1203, 1206 (9th Cir. 2007)
- Onelum v. Best Buy Stores L.P., 948 F. Supp. 2d 1048, 1054-1055 (C.D. Cal. 2013)
- Langevin v. Fed. Exp. Corp., 2015 WL 1006367, at *8 (C.D. Cal. Mar. 6, 2015)
- Yau v. Santa Margarita Ford, Inc., 229 Cal. App. 4th 144, 161 (2014)
- Charles J. Vacanti, M.D., Inc. v. State Comp. Ins. Fund, 24 Cal. 4th 800, 814-815 (2001)
- Miklosy v. Regents of Univ. of Cal., 44 Cal. 4th 876, 902 (2008)

- Calero v. Unisys Corp., 271 F. Supp. 2d 1172, 1180-1181 (N.D. Cal. 2003)
- Cole v. Fair Oaks Fire Protection Dist., 43 Cal. 3d 148, 233 (1987)
- Hernandez, 2024 WL 3556165, at *8
- Golda v. Residence Inn by Marriott, LLC, 2019 WL 102375, at *3 (C.D. Cal. Jan. 4, 2019)
- Barringer v. Wal-Mart Stores, Inc., 2022 WL 4356106, at *2-*3 (C.D. Cal. Sept. 19, 2022)
- Light v. Dep't of Parks & Recreation, 14 Cal. App. 5th 75, 101 (2017)
- Rangel, 200 F. Supp. 3d at 1033
- De Peralta v. Fox Restaurant Concepts, LLC, 2018 WL 748287, at *5 (C.D. Cal. Feb. 6, 2018)
- Howard v. Cty. of San Diego, 184 Cal. App. 4th 1422, 1428 (2010)
- Saunders v. Sally Beauty Supply LLC, 2020 WL 1847620, at *2 (C.D. Cal. Apr. 10, 2020)
- Cervantez v. J.C. Penney Co., 24 Cal. 3d 59, 593 (1979)
- Trerice v. Blue Cross of Cal., 209 Cal. App. 3d 878, 883 (1989)
- Burris v. AT & T Wireless, Inc., 2006 WL 2038040, at *2 (N.D. Cal. July 19, 2006)
- Martin v. Franklin Capital Corp., 546 U.S. 132, 141 (2005)
- Lussier v. Dollar Tree Stores, Inc., 518 F.3d 1062, 1065 (9th Cir. 2008)