

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Roda Joann Rivera v. QuikTrip Corporation, et al.

No. CV-25-04564-PHX-KML (D. Ariz. Dec. 10, 2025) · No. No. CV-25-04564-PHX-KML · Decided December 11, 2025

SUMMARY

The United States District Court for the District of Arizona addresses the apparent untimeliness of QuikTrip Corporation's notice of removal. The court states that the notice was filed three days after the thirty-day deadline and advises the plaintiff that any motion to remand must be filed within thirty days of the notice of removal.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Krissa M. Lanham
JURISDICTION	United States District Court for the District of Arizona
DECIDED	December 11, 2025
DOCKET	No. CV-25-04564-PHX-KML
DISPOSITION	other
PROCEDURAL POSTURE	Defendant removed the action from state court. The district court sua sponte identified a potential defect in the timeliness of removal and advised plaintiff of the deadline for seeking remand.
PRECEDENTIAL VALUE	Unknown

TOPICS

- civil procedure
- subject matter jurisdiction

PRACTICE AREAS

- civil procedure
- removal and remand

QUESTIONS PRESENTED

- Whether QuikTrip's notice of removal was timely under 28 U.S.C. § 1446(b).
- What deadline applies to plaintiff's potential motion to remand based on untimely removal.

HOLDINGS

1. A defendant must file a notice of removal within thirty days after receiving, through service or otherwise, a copy of the complaint; based on QuikTrip's admitted November 5, 2025 service date, the December 8, 2025 notice of removal appeared untimely.
2. If plaintiff wishes to seek remand on the apparent procedural defect, she must file a motion to remand within thirty days after the notice of removal was filed.

KEY QUOTATIONS

“A defendant wishing to remove a case from state court must file a notice of removal “‘within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the [complaint].’” (Document text at 1)

“If that is accurate, and if plaintiff were to file a motion to remand, the court would have no choice but to remand.” (Document text at 1)

FACTUAL BACKGROUND

QuikTrip Corporation was served with plaintiff's complaint on November 5, 2025. QuikTrip filed its notice of removal on December 8, 2025, three days after the thirty-day removal period calculated by the court. The court did not finally decide a motion to remand because none had yet been filed.

PROCEDURAL HISTORY

QuikTrip Corporation was served with the complaint on November 5, 2025, but did not file its notice of removal until December 8, 2025. The court concluded that the notice appeared untimely because the thirty-day removal period expired on December 5, 2025, and instructed plaintiff that any motion to remand had to be filed within thirty days after the notice of removal.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. Plaintiff was instructed that, if she wished to seek remand, she had to file a motion within thirty days of the filing of the notice of removal.

CASES CITED

- Murphy Bros. v. Michetti Pipe Stringing, Inc., 526 U.S. 344, 347 (1999)
- Friedenbergr v. Lane County, 68 F.4th 1113, 1121 (9th Cir. 2023)

OPINION

Rivera

PER CURIAM.

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6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE DISTRICT OF ARIZONA

8 9 Roda Joann Rivera, No. CV-25-04564-PHX-KML 10 Plaintiff, ORDER 11 v. 12 QuikTrip
Corporation, et al., 13 Defendants. 14 15 A defendant wishing to remove a case from state court
must file a notice of removal 16 ““within thirty days after the receipt by the defendant, through
service or otherwise, of a 17 copy of the [complaint].” Murphy Bros. v. Michetti Pipe Stringing,
Inc., 526 U.S. 344, 18 347 (1999) (quoting 28 U.S.C. § 1446(b)). Defendant QuikTrip Corporation
admits it was 19 served on November 5, 2025. (Doc. 1 at 2.) That date of service required the
notice of 20 removal be filed no later than December 5, 2025. QuikTrip did not file its notice of
removal 21 until December 8, 2025. (Doc. 1.) Therefore, it appears the notice of removal was not
22 timely. If that is accurate, and if plaintiff were to file a motion to remand, the court would 23
have no choice but to remand. See *Friedenberg v. Lane Cnty.*, 68 F.4th 1113, 1121 (9th
24 Cir. 2023) (“a timely objection to a late petition will defeat removal”) (simplified).

25 / 26 / 27 / 28 / 1 Accordingly, 2 IT IS ORDERED if plaintiff wishes to seek remand, she must
do so within 30 days || of the filing of the notice of removal. 4 Dated this 10th day of December,
2025. 5 CU do MK Honorable Krissa M. Lanham 8 United States District Judge 9 10 11 12 13 14
15 16 17 18 19 20 21 22 23 24 25 26 27 28 _2-