

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.

OPINION

1 WO 2 3 4 5 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-