

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Hung Huynh v. Gerard Richard Williams III

Huynh · No. 2:25-cv-07351-JC · Decided October 2, 2025

SUMMARY

The United States District Court for the Central District of California grants Plaintiff Hung Huynh’s motion to remand, vacates the scheduled hearing, and remands the action to Orange County Superior Court. The court holds that Defendant’s removal based on diversity jurisdiction was untimely under 28 U.S.C. § 1446(b)(1) and also improper under the forum defendant rule because Defendant failed to establish Missouri rather than California citizenship. The court denies Plaintiff’s request for attorney’s fees and costs because the removal was not objectively unreasonable.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Jacqueline Chooljian
JURISDICTION	United States District Court for the Central District of California
DECIDED	October 2, 2025
DOCKET	2:25-cv-07351-JC
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff moved to remand a removed personal-injury action to state court, arguing that removal was untimely and independently barred by the forum defendant rule. The district court granted remand but denied attorney's fees and costs.
STANDARD OF REVIEW	Removal jurisdiction is strictly construed in favor of remand, and the removing party bears the burden of establishing federal jurisdiction. If doubt exists as to the propriety of removal, remand is required.
PRECEDENTIAL VALUE	Unknown; district court order with no reported citation

TOPICS

- civil procedure
- subject matter jurisdiction
- federalism

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Defendant's August 7, 2025 removal was timely under 28 U.S.C. § 1446(b)(1).
2. Whether removal was barred by the forum defendant rule because Defendant was domiciled in California, the forum state.
3. Whether Plaintiff was entitled to attorney's fees and costs under 28 U.S.C. § 1447(c).

HOLDINGS

1. Removal was untimely because diversity jurisdiction was apparent from the complaint served on November 27, 2024, triggering the thirty-day removal period, and the purported dismissal request did not toll or restart that period because it was never filed and the action was never dismissed.
2. Removal was independently improper under 28 U.S.C. § 1441(b)(2) because Defendant was domiciled in California, the state in which the action was brought.
3. Attorney's fees and costs were denied because, although Defendant's removal arguments lacked merit, the court could not conclude that removal was objectively unreasonable or clearly foreclosed by relevant precedent.

KEY QUOTATIONS

“If there is any doubt as to whether removal is proper, remand must be ordered.” (3)

“Such actions reflect, at most, that Defendant believed the case should have been dismissed and that he was entitled to such dismissal, but it was Defendant’s choice to litigate that procedural issue in the state courts rather than timely to remove the action to federal court.” (8)

“There is a difference between intention and desire.” (14-15)

“Indeed, the facts confirm that Defendant intends to remain indefinitely – albeit not permanently – at his present home with his wife in California, where he has lived and worked for several years and has strong ties in the community.” (15)

FACTUAL BACKGROUND

Plaintiff filed a state-court complaint and served Defendant, whose citizenship and the existence of diversity jurisdiction were apparent from the initial pleading. A purported request for dismissal was submitted electronically on Plaintiff's behalf but was rejected as erroneous and was never filed; the state court later confirmed that the action had never been dismissed. Defendant nevertheless waited until August 7, 2025, to remove the case. Defendant claimed Missouri domicile based primarily on family and emotional ties and an asserted future intention to return, although he had lived and worked in California for approximately fifteen years, owned a home there with his wife, and worked in San Diego.

PROCEDURAL HISTORY

Plaintiff filed the action in Orange County Superior Court on October 31, 2024, and served Defendant on November 27, 2024. Defendant removed the case to the Central District of California on August 7, 2025, asserting diversity jurisdiction. Plaintiff moved to remand; the court submitted the motion without oral argument, granted remand based on both untimeliness and the forum defendant rule, denied fees and costs, and returned the case to state court.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The Clerk shall remand the action to the Orange County Superior Court and send that court a copy of the order. The scheduled hearing and November 4, 2025 Scheduling Conference were vacated. Plaintiff's requests for judicial notice were granted, and attorney's fees and costs were denied.

CASES CITED

- Harris v. Bankers Life and Cas. Co., 425 F.3d 689 (9th Cir. 2005)
- Abrego Abrego v. Dow Chem. Co., 443 F.3d 676 (9th Cir. 2006)
- Ethridge v. Harbor House Rest., 861 F.2d 1389 (9th Cir. 1988)
- Roth v. CHA Hollywood Med. Ctr., L.P., 720 F.3d 1121 (9th Cir. 2013)
- Dietrich v. Boeing Co., 14 F.4th 1089 (9th Cir. 2021)
- Law Offs. of Andrew L. Ellis v. Yang, 178 Cal. App. 4th 869 (2009)
- Casola v. Dexcom, Inc., 98 F.4th 947 (9th Cir. 2024)
- O'Dell v. Freightliner Corp., 10 Cal. App. 4th 645 (1992)
- Fristoe v. Reynolds Metals Co., 615 F.2d 1209 (9th Cir. 1980)
- Transp. Indem. Co. v. Fin. Tr. Co., 339 F. Supp. 405 (C.D. Cal. 1972)
- Lively v. Wild Oats Mkts., Inc., 456 F.3d 933 (9th Cir. 2006)
- Lew v. Moss, 797 F.2d 747 (9th Cir. 1986)
- Owens v. Huntling, 115 F.2d 160 (9th Cir. 1940)
- Kanter v. Warner-Lambert Co., 265 F.3d 853 (9th Cir. 2001)
- Weible v. United States, 244 F.2d 158 (9th Cir. 1957)
- Mondragon v. Cap. One Auto Fin., 736 F.3d 880 (9th Cir. 2013)
- Anderson v. Watts, 138 U.S. 694 (1891)
- Hollinger v. Home State Mut. Ins. Co., 654 F.3d 564 (5th Cir. 2011) (per curiam)
- Adams v. W. Marine Prods., Inc., 958 F.3d 1216 (9th Cir. 2020)
- Freeman v. Nw. Acceptance Corp., 754 F.2d 553 (5th Cir. 1985)
- Hawes v. Club Ecuestre El Comandante, 598 F.2d 698 (1st Cir. 1979)
- Owens v. Nuxoll, 2013 WL 5553897 (E.D. Cal. Oct. 8, 2013)

- Johnson v. Gibson, 2011 WL 3359974 (D. Or. Aug. 3, 2011)
- Gilbert v. David, 235 U.S. 561 (1915)
- Hossein v. Cantor, 2024 WL 866534 (C.D. Cal. Feb. 29, 2024)
- Martin v. Franklin Cap. Corp., 546 U.S. 132 (2005)
- Hornbuckle v. State Farm Lloyds, 385 F.3d 538 (5th Cir. 2004)
- Valdes v. Wal-Mart Stores, Inc., 199 F.3d 290 (5th Cir. 2000)
- Lussier v. Dollar Tree Stores, Inc., 518 F.3d 1062 (9th Cir. 2008)
- Lott v. Pfizer, Inc., 492 F.3d 789 (7th Cir. 2007)

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