

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Attenello MD APC v. St. Vincent IPA Medical, L.P. et al.

Case No. CV 25-08152-MWF (SSCx) · No. CV 25-08152-MWF (SSCx) · Decided November 19, 2025

SUMMARY

The United States District Court for the Central District of California granted Plaintiff’s motion to remand and denied Defendant’s motion to dismiss as moot. The court held that it lacked subject matter jurisdiction under both the federal question statute and the federal officer removal statute, concluding that the Medicare Advantage organization did not act under a federal officer for purposes of removal. The action was remanded to the Superior Court of California for Los Angeles County.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Michael W. Fitzgerald
JURISDICTION	United States District Court for the Central District of California
DECIDED	November 19, 2025
DOCKET	CV 25-08152-MWF (SSCx)
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendant removed a California small-claims action to federal court and moved to dismiss. Plaintiff moved to remand for lack of subject matter jurisdiction.
STANDARD OF REVIEW	The removing defendant bears the burden of establishing that removal is proper. Doubts concerning subject matter jurisdiction are resolved in favor of remand, and the court must remand if jurisdiction is lacking.
PRECEDENTIAL VALUE	unpublished
PARTIES	UnitedHealthcare Insurance Company v. Attenello MD APC

TOPICS

- subject matter jurisdiction
- civil procedure
- federalism
- medicare medicaid
- insurance

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the state-law claims arose under federal law or necessarily required resolution of a substantial federal question sufficient to support federal-question jurisdiction under 28 U.S.C. § 1331.
2. Whether a Medicare Advantage Organization acts under a federal officer or agency for purposes of removal under 28 U.S.C. § 1442(a)(1).
3. Whether the court should remand the action for lack of subject matter jurisdiction and deny the pending motion to dismiss as moot.

HOLDINGS

1. The action was not removable under federal-question jurisdiction because the complaint pleaded only state-law claims, no federal question appeared on its face, and the claims did not necessarily depend on resolution of a substantial federal question.
2. A Medicare Advantage Organization does not establish that it is acting under a federal officer merely because its activities are extensively regulated, directed, supervised, or monitored by the Centers for Medicare and Medicaid Services.
3. Because the court lacked subject matter jurisdiction under both asserted removal theories, it was required to remand the action, and the motion to dismiss was denied as moot.

KEY QUOTATIONS

“If there is any doubt regarding the existence of subject matter jurisdiction, the court must resolve those doubts in favor of remanding the action to state court.” (§ II)

“The fact that MAOs are subject to extensive regulatory requirements does not alter the fact that they have an “arms-length” relationship with CMS.” (§ IV.B)

FACTUAL BACKGROUND

Attenello MD APC, a health care provider, alleged that UnitedHealthcare Insurance Company failed to pay the proper rate for care provided. UnitedHealthcare is a private Medicare Advantage Organization offering Medicare Advantage plans to beneficiaries. The provider filed a state-law small-claims action, which UnitedHealthcare removed to federal court based on federal-question jurisdiction and the federal-officer removal statute.

PROCEDURAL HISTORY

Attenello MD APC commenced the action in the Small Claims Court within the Los Angeles Superior Court on July 1, 2025. Defendant removed the action on August 28, 2025, asserting federal-question jurisdiction and federal-officer removal jurisdiction, and later moved to dismiss. The district court granted the motion to remand, denied the motion to dismiss as moot, and remanded the action to the Los Angeles County Superior Court.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The action is remanded to the Superior Court of the State of California for the County of Los Angeles.
Defendant's motion to dismiss is denied as moot.

CASES CITED

- Abrego Abrego v. The Dow Chem. Co., 443 F.3d 676, 684 (9th Cir. 2006) (per curiam)
- Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)
- Kelton Arms Condo. Owners Ass'n, Inc. v. Homestead Ins. Co., 346 F.3d 1190, 1192 (9th Cir. 2003)
- City of Oakland v. BP PLC, 969 F.3d 895, 903, 905 (9th Cir. 2020)
- Caterpillar Inc. v. Williams, 482 U.S. 386, 392-93 (1987)
- Saldana v. Glenhaven Healthcare LLC, 27 F.4th 679, 686 (9th Cir. 2022)
- Franchise Tax Bd. of Cal. v. Construction Laborers Vacation Trust for S. Cal., 463 U.S. 1, 13-14 (1983)
- Gunn v. Minton, 568 U.S. 251, 258 (2013)
- Metropolitan Life Ins. Co. v. Taylor, 481 U.S. at 65
- Heckler v. Ringer, 466 U.S. 602, 615 (1984)
- Kaiser v. Blue Cross of Cal., 347 F.3d 1107, 1113-15 (9th Cir. 2003)
- Attenello v. United Healthcare Ins. Co., No. CV-25-02258-RGK (MAAx), 2025 WL 2823131, at *2-3 (C.D. Cal. Oct. 2, 2025)
- Fidelitad, Inc. v. Insitu, Inc., 904 F.3d 1095, 1099 (9th Cir. 2018)
- Vaccarino v. Aetna, Inc., No. EDCV-18-02349-JGB (SHKx), 2018 WL 6249707, at *6 (C.D. Cal. Nov. 29, 2018)
- Destiny Springs Healthcare LLC v. Arizona Physicians IPA Inc., No. CV-23-01694-PHX-DJH, 2024 WL 1926554, at *4 (D. Ariz. May 2, 2024)
- Yeomans v. Blue Shield of Cal., 712 F. Supp. 3d 1336, 1342 (C.D. Cal. 2024)
- Attenello v. Aetna Life Ins. Co., No. CV-25-04869-WLH-E, 2025 WL 2661772, at *4 (C.D. Cal. Sept. 16, 2025)
- Ohio State Chiropractic Ass'n v. Humana Health Plan Inc., 647 F. App'x 619, 622-23 (6th Cir. 2016)
- Advanced Orthopedic Ctr., Inc. v. UnitedHealthcare Ins. Co., No. CV-24-00094-MWF (MAAx), 2024 WL 493883, at *1 (C.D. Cal. Feb. 6, 2024)
- Datel Holdings Ltd. v. Microsoft Corp., 712 F. Supp. 2d 974, 985 (N.D. Cal. 2010)
- Knieval v. ESPN, 393 F.3d 1068, 1076 (9th Cir. 2005)

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