

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

John Thornhill v. McLane Foodservice, Inc.

Thornhill · No. 25-cv-07475-EKL · Decided January 16, 2026

SUMMARY

The United States District Court for the Northern District of California denied Plaintiff John Thornhill’s motion to remand a putative California wage-and-hour class action removed under the Class Action Fairness Act. The court held that Defendant McLane Foodservice, Inc. established by a preponderance of the evidence that the amount in controversy exceeded \$5 million, relying on payroll data and reasonable assumptions regarding violation rates and attorneys’ fees. The court also denied Plaintiff’s request for judicial notice and granted Defendant’s request for judicial notice of California minimum wage rates.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Eumi K. Lee
JURISDICTION	United States District Court for the Northern District of California
DECIDED	January 16, 2026
DOCKET	25-cv-07475-EKL
DISPOSITION	denied
PROCEDURAL POSTURE	Plaintiff moved to remand a putative California wage-and-hour class action that Defendant removed from state court under the Class Action Fairness Act.
STANDARD OF REVIEW	The removing defendant bears the burden of establishing federal jurisdiction by a preponderance of the evidence when the amount-in-controversy allegations are challenged. The court may consider affidavits, declarations, other summary-judgment-type evidence, and reasonable assumptions based on the complaint.
PRECEDENTIAL VALUE	Unknown
PARTIES	John Thornhill v. McLane Foodservice, Inc.

TOPICS

class actions

subject matter jurisdiction

civil procedure

wage and hour

damages

PRACTICE AREAS

civil procedure

employment law

class actions

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QUESTIONS PRESENTED

1. Whether Defendant established by a preponderance of the evidence that the amount in controversy exceeded CAFA's \$5 million jurisdictional threshold.
2. Whether Defendant could rely on a payroll and human-resources declaration without corroborating documents to support portions of its amount-in-controversy calculation.
3. Whether Defendant's assumed violation rates and assumptions concerning waiting-time penalties were reasonably grounded in the complaint.
4. Whether the court needed to determine a specific amount of attorneys' fees when the damages in controversy alone exceeded \$5 million.

HOLDINGS

1. Defendant met its burden to establish that more than \$5 million was in controversy, and the court therefore had subject matter jurisdiction under CAFA.
2. An otherwise admissible declaration satisfying Rule 56 requirements may satisfy a defendant's evidentiary burden concerning the amount in controversy even without additional corroborating documentary evidence.
3. Defendant's assumptions that certain Labor Code violations affected 20% of eligible shifts, that unreimbursed expenses averaged \$20 per month subject to the same violation rate, and that terminated employees incurred the maximum 30-day waiting-time penalty were reasonable on the allegations presented.
4. The court did not need to determine the amount of attorneys' fees in controversy because the damages estimate alone exceeded \$5 million.

KEY QUOTATIONS

"Because Defendant has met its burden to show that more than \$5 million is at stake in this case, the motion to remand is DENIED." (at 1)

"Based on these authorities, an affidavit or declaration that meets the requirements of Rule 56 may satisfy a defendant's burden of proof, regardless whether the defendant produces other documentary evidence." (at 4)

"Rather, the defendant can meet its burden if its assumptions are reasonable, meaning that they have 'some reasonable ground underlying them.'" (at 10)

"Given that Defendant has met its amount-in-controversy burden even without including attorneys' fees, the Court need not guess." (at 12)

FACTUAL BACKGROUND

John Thornhill worked for McLane Foodservice in California as an hourly-paid, nonexempt employee from approximately November 2021 through July 2023. He alleged that McLane failed to pay minimum, straight-time, and overtime wages; provide meal and rest periods; timely pay final wages; furnish accurate wage statements; and reimburse business expenses. Thornhill brought the claims on behalf of a putative class of California hourly or nonexempt employees, and the complaint used general allegations that violations occurred "at times" with respect to "some of, but not necessarily all" class members. McLane relied on payroll, employment, and operational data and reasonable assumptions to estimate that more than \$5 million was at stake.

PROCEDURAL HISTORY

The action was filed in Santa Clara County Superior Court. Defendant removed it to federal court on September 4, 2025, invoking CAFA jurisdiction. Plaintiff moved to remand, arguing that Defendant had not shown by a preponderance of the evidence that more than \$5 million was in controversy. The district court denied the motion.

DISPOSITION

denied

CASES CITED

- Rhodes v. Robinson, 399 F. App'x 160, 165 (9th Cir. 2010)
- Valdivia v. Schwarzenegger, 599 F.3d 984, 994 (9th Cir. 2010)
- Holder v. Holder, 305 F.3d 854, 866 (9th Cir. 2002)
- Jones v. Curry, No. C 07-1013 RMW (PR), 2008 WL 3550866, at *2 (N.D. Cal. Aug. 13, 2008)
- Perez v. Rose Hills Co., 131 F.4th 804, 806-10 (9th Cir. 2025)
- Dart Cherokee Basin Operating Co. v. Owens, 574 U.S. 81, 84, 88-89 (2014)
- Ibarra v. Manheim Investments, Inc., 775 F.3d 1193, 1197, 1199 (9th Cir. 2015)
- Holcomb v. Bingham Toyota, 871 F.2d 109, 110 (9th Cir. 1989)
- Singer v. State Farm Mutual Automobile Insurance Co., 116 F.3d 373, 377 (9th Cir. 1997)
- Arias v. Residence Inn by Marriott, 936 F.3d 920, 922, 925, 927-28 & n.5 (9th Cir. 2019)
- Fritsch v. Swift Transportation Co. of Arizona, LLC, 899 F.3d 785, 793-96 (9th Cir. 2018)
- Gonzales v. CarMax Auto Superstores, LLC, 840 F.3d 644, 648 (9th Cir. 2016)
- Jauregui v. Roadrunner Transportation Services, Inc., 28 F.4th 989, 994 (9th Cir. 2022)
- Lewis v. Verizon Communications, Inc., 627 F.3d 395, 397 (9th Cir. 2010)
- Garibay v. Archstone Communities, LLC, 539 F. App'x 763, 764 (9th Cir. 2013)
- Nigro v. Sears, Roebuck & Co., 784 F.3d 495, 497 (9th Cir. 2015)
- SEC v. Phan, 500 F.3d 895, 909 (9th Cir. 2007)
- Duran v. U.S. Bank National Association, 59 Cal. 4th 1, 28-29 (2014)

- Harris v. KM Industrial, Inc., 980 F.3d 694, 700-01 (9th Cir. 2020)
- Ryan v. Mission Treatment Services, Inc., No. 22-cv-04013-ODW (MARx), 2022 WL 4331093, at *3 (C.D. Cal. Sept. 19, 2022)
- Lopez v. Advanced Drainage Systems, Inc., 777 F. Supp. 3d 1100, 1106-07 (N.D. Cal. 2025)
- Toribio v. ITT Aerospace Controls LLC, No. CV 19-5430-GW-JPRx, 2019 WL 4254935, at *3 (C.D. Cal. Sept. 5, 2019)
- Hanlon v. Chrysler Corp., 150 F.3d 1011, 1029 (9th Cir. 1998)
- Ketchum v. Moses, 24 Cal. 4th 1122, 1132-34 (2001)

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