

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Rebecca Castillo v. Tommy Bahama R&R Holdings, Inc. et al.

Castillo v. Tommy Bahama · No. 2:25-cv-02696-ODW (RAOx) · Decided July 9, 2025

SUMMARY

The United States District Court for the Central District of California grants Rebecca Castillo’s motion to remand an action against Tommy Bahama R&R Holdings, Inc. concerning alleged website accessibility barriers. The court holds that Castillo’s amended Unruh Civil Rights Act claim includes an independent state-law theory and therefore does not necessarily present a federal question, and that the defendant failed to establish the amount-in-controversy requirement for diversity jurisdiction. The court remands the action to Los Angeles County Superior Court and denies Castillo’s request for removal-related attorneys’ fees.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Otis D. Wright, II
JURISDICTION	United States District Court for the Central District of California
DECIDED	July 9, 2025
DOCKET	2:25-cv-02696-ODW (RAOx)
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendant removed plaintiff’s California state-court action to federal court based on asserted federal-question and diversity jurisdiction. Plaintiff amended the complaint to withdraw her ADA claim and moved to remand; the district court granted remand and denied her request for removal-related attorney fees.
STANDARD OF REVIEW	The removing party bears the burden of establishing federal subject-matter jurisdiction. Removal statutes are strictly construed against removal, and doubts are resolved in favor of remand. The amount in controversy must be established by a preponderance of the evidence.
PRECEDENTIAL VALUE	unpublished district court opinion; persuasive only

TOPICS

subject matter jurisdiction

civil procedure

ada / disability

injunctions

attorney fees

PRACTICE AREAS

civil procedure

federal jurisdiction

removal and remand

disability access litigation

QUESTIONS PRESENTED

1. Whether the First Amended Complaint's Unruh Civil Rights Act claim presented a federal question because it referenced or was partly premised on ADA violations.
2. Whether Tommy Bahama established diversity jurisdiction by proving that the amount in controversy exceeded \$75,000, including statutory damages, injunctive relief, and attorney fees.
3. Whether Castillo was entitled to attorney fees incurred because of the removal under 28 U.S.C. § 1447(c).

HOLDINGS

1. Federal-question jurisdiction did not attach because Castillo plausibly pleaded an alternative, independent state-law theory of liability under the Unruh Civil Rights Act based on intentional discrimination; therefore, federal law was not a necessary element of the claim.
2. Tommy Bahama failed to prove by a preponderance of the evidence that the amount in controversy exceeded \$75,000. The court calculated \$12,000 in statutory damages, credited Castillo's \$50,000 limitation on injunctive-relief costs, and included \$1,500 in attorney fees, for a total of \$63,500.
3. Castillo was not entitled to attorney fees under 28 U.S.C. § 1447(c) because Tommy Bahama had an objectively reasonable basis for removal in light of ambiguity concerning federal jurisdiction over Unruh claims seeking injunctive relief.

KEY QUOTATIONS

“When a claim can be supported by alternative and independent theories—one of which is a state law theory and one of which is a federal law theory—federal question jurisdiction does not attach because federal law is not a necessary element of the claim.” (at 5)

“Given that \$12,000 in statutory damages, \$50,000 of injunctive relief, and \$1,500 in reasonable attorneys’ fees amounts to \$63,500, and does not exceed the \$75,000 jurisdictional minimum, Tommy Bahama fails to meet its burden to prove diversity jurisdiction exists here.” (at 9)

“Absent unusual circumstances, courts may award attorney’s fees under § 1447(c) only where the removing party lacked an objectively reasonable basis for seeking removal.” (at 10)

FACTUAL BACKGROUND

Rebecca Castillo, a legally blind person who uses screen-reading software, encountered multiple accessibility barriers while attempting to use Tommy Bahama's retail website. Her original state-court complaint asserted ADA and Unruh Civil Rights Act claims seeking damages and injunctive relief. After removal, she filed a First

Amended Complaint withdrawing the ADA claim and proceeding only under the Unruh Act, while alleging that Tommy Bahama knowingly maintained an inaccessible website and failed to correct the barriers.

PROCEDURAL HISTORY

Castillo filed suit in Los Angeles County Superior Court alleging website accessibility barriers and asserting ADA and Unruh Civil Rights Act claims. Tommy Bahama removed the action, asserting federal-question and diversity jurisdiction. Castillo filed a First Amended Complaint asserting only an Unruh claim, then moved to remand. The district court held that neither federal-question nor diversity jurisdiction was established, granted the motion, denied attorney fees under 28 U.S.C. § 1447(c), and remanded the action to state court.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The action was remanded to the Superior Court of the State of California, County of Los Angeles, West Covina Courthouse, 1427 West Covina Parkway, West Covina, California 91790, Case No. 25PSCV00624. Castillo's request for \$1,500 in attorney fees associated with removal was denied.

CASES CITED

- Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994)
- Easton v. Crossland Mortg. Corp., 114 F.3d 979, 982 (9th Cir. 1997)
- Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)
- Migliori v. Boeing N. Am., Inc., 97 F. Supp. 2d 1001, 1003 n.1 (C.D. Cal. 2000)
- Hunter v. Philip Morris USA, 582 F.3d 1039, 1042 (9th Cir. 2009)
- Rains v. Criterion Sys. Inc., 80 F.3d 339, 343, 346 (9th Cir. 1996)
- Merrell Dow Pharms. Inc. v. Thompson, 478 U.S. 804, 813 (1986)
- Wander v. Kaus, 304 F.3d 856, 859 (9th Cir. 2002)
- Thurston v. Container Store, Inc., 2017 WL 658806, at *2-*3 (C.D. Cal. Feb. 16, 2017)
- Martinez v. Adidas Am., Inc., 2019 WL 3002864, at *4-*6 (C.D. Cal. July 9, 2019)
- Pickern v. Best W. Timber Cove Lodge Marina Resort, 194 F. Supp. 2d 1128, 1132 n.5 (E.D. Cal. 2002)
- Greater L.A. Agency on Deafness, Inc. v. Cable News Network, Inc., 742 F.3d 414, 425 (9th Cir. 2014)
- Munson v. Del Taco, Inc., 46 Cal. 4th 661, 668 (2009)
- Nat'l Fed'n of the Blind v. Target Corp., 582 F. Supp. 2d 1185, 1206 (N.D. Cal. 2007)
- Chavez v. JPMorgan Chase & Co., 888 F.3d 413, 414-15 (9th Cir. 2018)
- Fritsch v. Swift Transportation Co., 899 F.3d 785, 793-94 (9th Cir. 2018)
- Crum v. Circus Circus Enters., 231 F.3d 1129, 1131 (9th Cir. 2000)
- Standard Fire Ins. Co. v. Knowles, 568 U.S. 588, 595 (2013)
- St. Paul Mercury Indem. Co. v. Red Cab Co., 303 U.S. 283, 294 (1938)

- In re Ford Motor Co./Citibank (S.D.), N.A., 264 F.3d 952, 958 (9th Cir. 2001)
- Sanchez v. Monumental Life Ins. Co., 102 F.3d 398, 404 (9th Cir. 1996)
- Matheson v. Progressive Specialty Ins. Co., 319 F.3d 1089, 1090-91 (9th Cir. 2003)
- Martinez v. Johnson & Johnson Consumer, Inc., 471 F. Supp. 3d 1003, 1009 (C.D. Cal. 2020)
- Baracco v. Brooks Brothers Group, Inc., 2019 WL 276840, at *3-*4 (C.D. Cal. Jan. 22, 2019)
- Gil v. Winn-Dixie Stores, Inc., 257 F. Supp. 3d 1340, 1345 (S.D. Fla. 2017)
- Ramirez v. Volkswagen Grp. of Am., Inc., 2022 WL 2610247, at *5 (C.D. Cal. July 8, 2022)
- Walton v. AT&T Mobility, 2011 WL 2784290, at *2 (C.D. Cal. July 14, 2011)
- Engel v. Worthington, 60 Cal. App. 4th 628, 635-36 (1997)
- Antoninetti v. Chipotle Mexican Grill, Inc., 49 F. Supp. 3d 710, 726 (S.D. Cal. 2014)
- Hubbard v. Twin Oaks Health & Rehabilitation Center, 406 F. Supp. 2d 1096, 1100-01 (E.D. Cal. 2005)
- Martin v. Franklin Capital Corp., 546 U.S. 132, 141 (2005)
- Rutherford v. La Jolla Riviera Apartment House LLC, 2019 WL 6125255, at *6 (S.D. Cal. Nov. 19, 2019)
- Rosales v. Re/Max LLC, 2020 WL 7480121, at *2 (C.D. Cal. Dec. 18, 2020)
- Martinez v. Greatcollections.com, LLC, 2019 WL 4742299, at *1-*2 (C.D. Cal. Sept. 27, 2019)
- Rios v. New York and Co., 2017 WL 3575220, at *2 (C.D. Cal. Aug. 2017)