

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Tanz Billie Creswell v. Lowe's Home Centers, LLC

No. 5:25-cv-00419-PA-SP, United States District Court for the Central District of California (March 12, 2025)

SUMMARY

The United States District Court for the Central District of California granted the parties’ stipulation capping the plaintiff’s recovery at \$75,000, exclusive of costs and interest. Because the cap reduced the amount in controversy below the jurisdictional threshold, the court concluded that it lacked subject matter jurisdiction and remanded the action to the San Bernardino County Superior Court.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Percy Anderson
JURISDICTION	United States District Court for the Central District of California
DECIDED	March 12, 2025
DOCKET	5:25-cv-00419-PA-SP
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff filed a personal-injury action in San Bernardino County Superior Court. Defendant removed the action to federal court based on diversity jurisdiction and an amount in controversy exceeding \$75,000. The parties then stipulated to cap plaintiff's recovery at \$75,000 and jointly sought remand.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- subject matter jurisdiction
- civil procedure
- damages

PRACTICE AREAS

- Civil procedure
- Removal and remand
- Diversity jurisdiction
- Personal injury

QUESTIONS PRESENTED

- Whether the parties' stipulation capping plaintiff's recovery at \$75,000 eliminated the amount-in-controversy basis for federal subject matter jurisdiction.

2. Whether the action was required to be remanded to state court under 28 U.S.C. § 1447(c) after the stipulation.

HOLDINGS

1. The parties' binding stipulation limiting plaintiff's total recovery to \$75,000 or less, exclusive of costs and interest, eliminated the jurisdictional amount in controversy, so the district court lacked subject matter jurisdiction.
2. Remand was mandatory because the district court lacked subject matter jurisdiction after the parties' stipulation.
3. Plaintiff's total recovery was capped at \$75,000, exclusive of costs and interest, and plaintiff waived and was barred from enforcing any amount exceeding that cap.

KEY QUOTATIONS

“If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.” (at 2)

“Section 1447(c) is mandatory, not discretionary.” (at 2)

FACTUAL BACKGROUND

Plaintiff alleged personal injuries arising from an incident at Lowe's San Bernardino County store on September 30, 2022. Before filing and serving the complaint, plaintiff's counsel sent Lowe's a settlement demand for \$283,000, including claimed medical expenses and pain-and-suffering damages, leading Lowe's to determine that the amount in controversy exceeded \$75,000. The parties later agreed to cap plaintiff's total recovery at \$75,000, exclusive of costs and interest.

PROCEDURAL HISTORY

Plaintiff commenced the action in the Superior Court for the County of San Bernardino on September 20, 2024. Lowe's removed the action to the Central District of California on February 14, 2025, invoking 28 U.S.C. §§ 1332, 1441, and 1367. After the parties stipulated to limit plaintiff's recovery to \$75,000, the district court held that it lacked subject matter jurisdiction, ordered remand, vacated all pending federal dates, and gave the cap full force and effect in the state-court litigation.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The action was remanded to the Superior Court of the State of California, County of San Bernardino, Case No. CIVVS2401077. The stipulated \$75,000 recovery cap was ordered to receive full force and effect in the state-court action, and all pending dates in the federal action were vacated.

CASES CITED

- Bruns v. NCUA, 122 F.3d 1251, 1257 (9th Cir. 1997)

OPINION

Tanz Billie Creswell v. Lowes Home Centers, LLC

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT OF CALIFORNIA

10 11 Tanz Billie Creswell, Case No.: 5:25-cv-00419-PA-SP [San Bernardino County Superior
Court 12 Plaintiff, Case No.: CIVVS2401077] 13 v. [Assigned to Hon. Percy Anderson, District
Judge; Hon. Sheri Pym, Magistrate Judge] 14 Lowe's Home Centers, LLC and DOES

1 to 20, ORDER GRANTING THE PARTIES'

15 STIPULATION TO CAP PLAINTIFF'S

Defendants. JUDGMENT, AWARD, OR

16 RECOVERY AND TO REMAND

17 18 Complaint Filed: September 20, 2024 19 20 The Court, having read and considered the
Parties' Stipulation to Cap Plaintiff's 21 Judgment, Award, or Recovery and to Remand, hereby
ORDERS as follows:

22 I. BACKGROUND

23 On or about September 20, 2024, Plaintiff TANZ BILLIE CRESWELL 24 (hereinafter
"Plaintiff") commenced the above-entitled civil action in the Superior 25 Court for the County of
San Bernardino by filing a Complaint therein entitled Tanz 26 Billie Creswell v. Lowe's Home
Centers, LLC and DOES 1 to 20, Case No. 27 CIVVS2401077. 28 /// 1 Plaintiff's Complaint for
personal injury arises from an alleged incident on

2 September 30, 2022, at Defendant LOWE'S HOME CENTERS, LLC's ("Lowe's")

3 store in San Bernardino County, California. 4 On July 3, 2024, prior to filing the Complaint and
prior to service of the same 5 on Defendant Lowe's, Plaintiff's counsel sent a letter to Defendant
Lowe's which 6 included a written settlement demand of \$283,000 which included \$8,006.00 in 7
itemized past medical specials, claimed future medical expenses of \$125,000.00, for a 8 total of
\$133,006.00 in claimed medical expenses. Plaintiff further demanded past and 9 future pain and
suffering of \$150,000. Based on this, Lowe's determined that the 10 amount in controversy
exceeded the \$75,000.00 statutory minimum. Accordingly, 11 Lowe's removed the matter to
federal court pursuant to 28 U.S.C. §§1332, 1441, and 12 1367, on February 14, 2025. 13 The
Parties have now agreed and stipulated to limit any and all recovery of 14 damages by plaintiff
TANZ BILLIE CRESWELL to \$75,000.00, exclusive of costs of 15 suit or interest, as evidenced
by the Stipulation to Cap Plaintiff's Judgment, Award, or 16 Recovery and To Remand, executed
by plaintiff TANZ BILLIE CRESWELL, 17 individually and by and through her attorneys of

record, and defendant LOWE’S 18 HOME CENTERS, LLC by and through its attorneys of record. Accordingly, the 19 parties request an order from this Court remanding the case to the San Bernardino 20 County Superior Court, Case No. CIVVS2401077.

21 II. ANALYSIS

22 United States Code, Title 28, Section 1447(c), provides that “[i]f at any time 23 before final judgment it appears that the district court lacks subject matter jurisdiction, 24 the case shall be remanded.” (Emphasis added). In light of the Parties’ stipulation 25 limiting any and all recovery by Plaintiff to \$75,000.00 or less, this Court lacks subject 26 matter jurisdiction and must, therefore, remand the case to state court pursuant to 28 27 U.S.C. § 1447(c). See *Bruns v. NCUA* 122 F.3d 1251, 1257 (9th Cir. 1997) (“Section 28 1447(c) is mandatory, not discretionary.”)

1 III. ORDER OF THE COURT

2 1. Plaintiff’s total recovery, if any, from Defendant LOWE’S HOME 3 CENTERS, LLC, for any injuries, damages, harms, or losses resulting from the alleged 4 incident that occurred on Defendant’s premises on or about September 30, 2022, and 5 which are the subject of the within action (including formerly San Bernardino County 6 Superior Court Case No.: CIVVS2401077) (the “Litigation”), including but not limited 7 to economic and non-economic damages, exclusive of any award of costs of suit or 8 interest, is hereby capped at \$75,000.00. 9 2. If any judgment or award, entered in her favor and against Defendant 10 LOWE’S HOME CENTERS, LLC, in the Litigation should exceed \$75,000.00, 11 exclusive of any award of costs of suit or interest, Plaintiff has knowingly and 12 voluntarily waived the right to claim that portion of her final judgment or award which 13 exceeds \$75,000.00. 14 3. Should any judgment or award, exclusive of any award of costs of suit or 15 interest be entered in her favor and against Defendant LOWE’S HOME CENTERS, 16 LLC in the Litigation, in excess of \$75,000.00, Plaintiff shall execute any necessary 17 documents to reduce any such award or judgment to \$75,000.00, and is barred from 18 executing on any amount of the award or judgment in excess of \$75,000.00. 19 4. Pursuant to the Parties’ Stipulation, because this matter no longer exceeds 20 \$75,000.00, this Court no longer has subject matter jurisdiction and the matter is 21 hereby REMANDED to the Superior Court for the State of California, County of San 22 Bernardino, Case No.: CIVVS2401077. This Order shall be accorded full force and 23 effect in the Superior Court of the State of California, County of San Bernardino, Case 24 No.: CIVVS2401077. 25 /// 26 /// 27 /// 28 /// 1 5. All pending dates in the Federal action are hereby vacated. 2 3 IT IS SO ORDERED. 4 5 Dated: March 12, 2025

Percy Anderson 6 United States District Judge 7 8 9 10 11 12
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