

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PRECEDENTIAL VALUE	nonprecedential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)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-central-district-of-cal/2025/tanz-billie-creswell-v-lowes-home-centers-llc-vcuu0lvk>