

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Cecilia Madrigal v. Garfield Beach CVS, LLC

No. EDCV 24-2630-KK-SPx, United States District Court for the Central District of California (February 26, 2025)

SUMMARY

The United States District Court for the Central District of California denied Cecilia and Manuel Madrigal’s motion to remand a premises-liability action against Garfield Beach CVS, LLC. The court held that the motion’s filing delay resulted from excusable neglect and that the defendant timely removed the case after receiving statements of damages that made the amount in controversy unequivocally clear and certain. The court concluded that removal was proper under diversity jurisdiction and 28 U.S.C. § 1446.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Kenly Kiya Kato
JURISDICTION	United States District Court for the Central District of California
DECIDED	February 26, 2025
DOCKET	EDCV 24-2630-KK-SPx
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved to remand a removed diversity action, arguing that the defendant failed to file its notice of removal within the applicable thirty-day period.
STANDARD OF REVIEW	The court applied the statutory requirements governing removal and remand, resolving doubts concerning removability against removal jurisdiction. It exercised discretion under Federal Rule of Civil Procedure 6(b)(1)(B) to consider the untimely motion to remand based on excusable neglect.
PRECEDENTIAL VALUE	unpublished and nonprecedential
PARTIES	Cecilia Madrigal, Manuel Madrigal v. Garfield Beach CVS, LLC

TOPICS

subject matter jurisdiction

civil procedure

negligence

personal injury

pleadings

PRACTICE AREAS

civil procedure

removal and remand

diversity jurisdiction

personal injury

QUESTIONS PRESENTED

1. Whether the court should exercise its discretion to consider plaintiffs' motion to remand despite its filing more than thirty days after removal.
2. Whether defendant timely removed the action under 28 U.S.C. § 1446 when the complaint and earlier discovery materials did not make removability unequivocally clear and certain, but later Statements of Damages disclosed damages exceeding \$75,000.
3. Whether defendant satisfied the procedural requirements for removal based on diversity jurisdiction.

HOLDINGS

1. The court exercised its discretion to consider the motion because plaintiffs' failure to file the properly noticed motion within thirty days resulted from excusable neglect; plaintiffs had initially attempted to file a timely motion, but the earlier filings were stricken for incorrect hearing information.
2. The thirty-day removal period did not begin when defendant knew plaintiffs' residency and saw medical bills totaling approximately \$24,088.45 because those materials did not make the basis for removal unequivocally clear and certain. The period began when plaintiffs served Statements of Damages on November 15, 2024, seeking damages well over \$75,000.
3. Defendant timely removed the action because the removal period began on November 15, 2024, and the December 11, 2024 notice of removal was filed within thirty days.

KEY QUOTATIONS

“A defendant seeking removal has the burden to establish that removal is proper, and any doubt is resolved against removability.” (Section III)

“an amended pleading, motion, order, or other paper must make a ground for removal unequivocally clear and certain” (Section IV.B.1)

“For the foregoing reasons, the Court finds Defendant has met its burden for removal. Accordingly, Plaintiffs’ Motion to Remand is DENIED.” (Section V)

FACTUAL BACKGROUND

Cecilia Madrigal alleged that she was injured after falling over a display pallet while shopping at a Garfield Beach CVS, LLC store. The complaint asserted negligence and Manuel Madrigal asserted a loss-of-consortium claim. Plaintiffs' earlier materials disclosed California residency and approximately \$24,088.45 in past medical bills, while later Statements of Damages sought \$899,083.45 for Cecilia and \$200,000 for Manuel.

PROCEDURAL HISTORY

Plaintiffs filed a negligence and loss-of-consortium complaint in the Superior Court of California, Riverside County. Defendant answered and removed the action to federal court under the diversity jurisdiction statutes. Plaintiffs filed a motion to remand, which the district court considered on the merits and denied.

DISPOSITION

other

CASES CITED

- Chavez v. JPMorgan Chase & Co., 888 F.3d 413, 415 (9th Cir. 2018)
- Luther v. Countrywide Home Loans Servicing LP, 533 F.3d 1031, 1034 (9th Cir. 2008)
- Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)
- Ahanchian v. Xenon Pictures, Inc., 624 F.3d 1253, 1259 (9th Cir. 2010)
- Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship, 507 U.S. 380, 381 (1993)
- Heath v. Google Inc., No. 15-CV-01824-BLF, 2016 WL 4729300, at *3 (N.D. Cal. Sept. 12, 2016)
- Dietrich v. Boeing Co., 14 F.4th 1089, 1095 (9th Cir. 2021)
- Harris v. Bankers Life and Cas. Co., 425 F.3d 689, 694 (9th Cir. 2005)
- Vasquez v. McLane Foodservice, Inc., No. CV 21-9952-MWF-KSx, 2022 WL 705336, at *2 (C.D. Cal. Mar. 8, 2022)
- Kanter v. Warner-Lambert Co., 265 F.3d 853, 857-58 (9th Cir. 2001)