

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
CALIFORNIA

Doyle v. Optum Services, Inc.

Case No. 25-cv-0575-MMA-KSC (S.D. Cal. May 27, 2025) · No. 25-cv-0575-MMA-KSC · Decided May 27, 2025

SUMMARY

The United States District Court for the Southern District of California denied Plaintiff Erin Kathleen Doyle’s motion to remand her disability discrimination and wrongful termination action to state court. The court held that diversity jurisdiction existed because Defendants established by a preponderance of the evidence that the amount in controversy exceeded \$75,000 based on potential lost wages alone.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                       |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Southern District of California                                                                                                                                                                                                                                  |
| WRITING FOR THE COURT | Michael M. Anello                                                                                                                                                                                                                                                                                     |
| JURISDICTION          | United States District Court for the Southern District of California                                                                                                                                                                                                                                  |
| DECIDED               | May 27, 2025                                                                                                                                                                                                                                                                                          |
| DOCKET                | 25-cv-0575-MMA-KSC                                                                                                                                                                                                                                                                                    |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | Plaintiff moved to remand an employment-discrimination action removed from California state court on diversity-jurisdiction grounds, arguing that the amount in controversy did not exceed \$75,000.                                                                                                  |
| STANDARD OF REVIEW    | The removing party bears the burden of establishing federal jurisdiction by a preponderance of the evidence when the state-court complaint is ambiguous as to the amount in controversy. The court considers the removal petition and summary-judgment-type evidence existing at the time of removal. |
| PRECEDENTIAL VALUE    | unpublished district court order                                                                                                                                                                                                                                                                      |
| PARTIES               | Erin Kathleen Doyle v. Optum Services, Inc., UnitedHealth Group, Inc.                                                                                                                                                                                                                                 |

TOPICS

- subject matter jurisdiction
- civil procedure
- ada / disability
- disability discrimination

## PRACTICE AREAS

civil procedure

federal jurisdiction

employment discrimination

disability discrimination

## QUESTIONS PRESENTED

1. Whether the federal court had diversity jurisdiction under 28 U.S.C. § 1332 because the amount in controversy exceeded \$75,000.
2. Whether Defendants established by a preponderance of the evidence that Plaintiff's lost past wages alone exceeded the jurisdictional amount.

## HOLDINGS

1. The amount in controversy exceeded \$75,000 because Defendants established that Plaintiff's claim for lost past wages was approximately \$84,073.60.
2. Remand was not warranted because diversity jurisdiction was proper.

## KEY QUOTATIONS

*"Federal courts are courts of limited jurisdiction."* (2)

*"Conclusory allegations as to the amount in controversy are insufficient."* (3)

## FACTUAL BACKGROUND

Plaintiff was formerly employed by Defendants and alleged disability discrimination, failure to accommodate, failure to engage in the interactive process, retaliation, and wrongful termination. She alleged that after injuries, a request for ergonomic equipment, and a leave of absence, she informed a supervisor that she was ready to resume her regular duties but was terminated. Defendants asserted that her lost wages alone placed more than \$75,000 in controversy, based on a full-time wage rate of \$20.21 per hour.

## PROCEDURAL HISTORY

Plaintiff filed the action in the Superior Court of the State of California, County of San Diego, on January 3, 2025. Defendants removed the action to the Southern District of California on March 11, 2025. Plaintiff moved to remand, and the district court denied the motion after considering the papers without oral argument.

## DISPOSITION

other

## CASES CITED

- Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994)
- Stock W., Inc. v. Confederated Tribes, 873 F.2d 1221, 1225 (9th Cir. 1989)
- California ex rel. Younger v. Andrus, 608 F.2d 1247, 1249 (9th Cir. 1979)
- McNutt v. Gen. Motors Acceptance Corp., 298 U.S. 178, 182-83 (1936)

- Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)
- Libhart v. Santa Monica Dairy Co., 592 F.2d 1062, 1064 (9th Cir. 1979)
- Guglielmino v. McKee Foods Corp., 506 F.3d 696, 699-700 (9th Cir. 2007)
- Sanchez v. Monumental Life Ins. Co., 102 F.3d 989, 404 (9th Cir. 1996)
- Matheson v. Progressive Specialty Ins. Co., 319 F.3d 1089, 1090-91 (9th Cir. 2003)
- Davis v. Los Angeles Unified Sch. Dist. Pers. Com., 62 Cal. Rptr. 3d 69, 76-77 (Cal. Ct. App. 2007)
- Lisec v. United Airlines, Inc., 11 Cal. Rptr. 2d 689, 692 (Cal. Ct. App. 1991)
- Canova v. NLRB, 708 F.2d 1498, 1505 (9th Cir. 1983)
- Reese v. Daikin Comfort Tech. Distrib., Inc., 729 F. Supp. 3d 980, 987 (C.D. Cal. 2024)
- Andrade v. Arby's Rest. Grp., Inc., 225 F. Supp. 3d 1115, 1139-40 (N.D. Cal. 2016)

## OPINION

1 2 3 4 5 6 7 8 9 10 UNITED STATES DISTRICT COURT 11 SOUTHERN DISTRICT OF  
CALIFORNIA 12 13 ERIN KATHLEEN DOYLE, Case No. 25-cv-0575-MMA-KSC 14 Plaintiff,  
ORDER DENYING PLAINTIFF’S 15 v. MOTION TO REMAND 16 OPTUM SERVICES, INC.,  
et al., [Doc. No. 6] 17 Defendants. 18 19 20 21 On April 10, 2025, Plaintiff Erin Kathleen Doyle  
 (“Plaintiff”) filed a motion to 22 remand this action to the Superior Court of the State of  
California, County of San Diego.

23 Doc. No. 6. Defendants Optum Services, Inc. and UnitedHealth Group, Inc. 24 (collectively,  
 “Defendants”) filed a response in opposition. Doc. No. 9. On 25 May 14, 2025, the Court found  
this matter suitable for determination on the papers and 26 without oral argument pursuant to  
Federal Rule of Civil Procedure 78(b) and Civil Local 27 Rule 7.1.d.1, and took it under  
submission.

Doc. No. 10. For the following reasons, the 28 Court DENIES Plaintiff’s motion to remand. 1 I.  
BACKGROUND 2 Plaintiff, formerly employed by Defendants between around December 10,  
2018, 3 and January 5, 2023, brings this action alleging that Defendants discriminated against her  
4 based on her disability and request for disability-based accommodations. Doc. No. 1-2 5  
 (“Compl.”) ¶¶ 1, 16, 21, 26.

Specifically, Plaintiff alleges that on or around 6 October 31, 2021, she sustained a neck and spine  
injury for which she requested 7 “ergonomic equipment” from Defendants. Compl. ¶¶ 18, 20.  
Knowing of her injury and 8 request, Defendants instead—in Plaintiff’s telling—“singled her out  
by subjecting her to 9 heightened scrutiny and increasingly hostile adverse treatment by... accusing  
her of 10 performance issues.” Id. ¶¶ 20–21.

11 Plaintiff further alleges that on or about August 22, 2022, she suffered a leg injury 12 resulting  
in hospitalization and surgery, and for which she took a leave of absence from 13 her position with  
Defendants. Id. ¶¶ 22–23.

In or around December 2022, however, Plaintiff claims that she “informed an Optum therapy technician supervisor... that she was ready to resume her regular duties.” *Id.* ¶¶ 24. Instead, on or around January 5, 2023, she was terminated from her position. *Id.* ¶¶ 26–27. Plaintiff believes her termination was “due to her perceived or actual disabilities and need or request for accommodation.” *Id.* ¶ 27.

Plaintiff filed her initial complaint in the Superior Court of the State of California, County of San Diego on January 3, 2025, alleging: (1) disability discrimination in violation of California’s Fair Employment and Housing Act (“FEHA”); (2) failure to engage in the interactive process in violation of FEHA; (3) failure to provide reasonable accommodation in violation of FEHA; (4) retaliation for seeking accommodation in violation of FEHA; and (5) wrongful termination in violation of public policy.

Compl. ¶¶ 29–91. Defendants removed the action to this Court on March 11, 2025. Doc. No. 1. II. LEGAL STANDARD “Federal courts are courts of limited jurisdiction.” *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). “They possess only that power authorized by Constitution and statute.” *Id.* “A federal court is presumed to lack jurisdiction in a particular case unless the contrary affirmatively appears.” *Stock W., Inc. v. Confederated Tribes*, 873 F.2d 1221, 1225 (9th Cir.

1989) (citing *California ex rel. Younger v. Andrus*, 760 F.2d 1247, 1249 (9th Cir. 1979)). The party seeking federal jurisdiction bears the burden of establishing jurisdiction. *Kokkonen*, 511 U.S. at 377 (citing *McNutt v. Gen. Motors Acceptance Corp.*, 298 U.S. 178, 182–83 (1936)). Title 28 of the United States Code, Section 1441(a) provides for removal of a civil action from state to federal court if the case could have originated in federal court.

The removal statute is construed strictly against removal, and “[f]ederal jurisdiction must be rejected if there is any doubt as to the right of removal in the first instance.” *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992) (citing *Libhart v. Santa Monica Dairy Co.*, 592 F.2d 1062, 1064 (9th Cir. 1979)). III. DISCUSSION Defendants assert that the Court has jurisdiction over this case under 28 U.S.C. §1332—diversity jurisdiction.

Doc. No. 1 at 3.2 Relevant here, Section 1332 provides that “[t]he district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between... citizens of different states...” or between “citizens of a State and citizens or subjects of a foreign state.” 28 U.S.C. § 1332(a) (1)–(2).

The parties here do not appear to dispute that they are “citizens of different states” for purposes of diversity jurisdiction. See generally Doc. Nos. 6-1, 9. Having reviewed the pleadings and briefing, the Court sees no reason to find otherwise. Instead, Plaintiff

seeks to remand this case to state court on the grounds that that the amount in controversy 2 does not exceed \$75,000.

See generally Doc. No. 6-1. 3 Under Section 1332(a), an amount greater than \$75,000 must be in dispute for the 4 Court to exercise jurisdiction over an action. 28 U.S.C. § 1332(a). “Section 1332(a)’s 5 amount-in-controversy requirement excludes only ‘interest and costs’” and therefore 6 “includes attorneys’ fees.” *Guglielmino v. McKee Foods Corp.*, 506 F.3d 696, 700 (9th Cir.

2007). “[W]here it is unclear or ambiguous from the face of a state-court complaint 8 whether the requisite amount in controversy is pled[,]” a removing party must establish 9 by a preponderance of the evidence—that it is more likely than not—that the amount in 10 controversy exceeds \$75,000. *Id.* at 699 (citing *Sanchez v. Monumental Life Ins. Co.*, 11 102 F.3d 989, 404 (9th Cir.

1996)). When evaluating whether the removing party has 12 met that burden, the Court “consider[s] facts presented in the removal petition as well as 13 any summary-judgement-type evidence relevant to the amount in controversy at the time 14 of removal.” *Matheson v. Progressive Specialty Ins. Co.*, 319 F.3d 1089, 1090–91 (9th Cir. 2003) (internal citations and quotation marks omitted). “Conclusory allegations as to 16 the amount in controversy are insufficient.” *Id.* 17 The parties agree that the complaint is ambiguous as to the amount in controversy.

18 See Doc. No. 6-1 at 5; Doc. No. 9 at 3–4. Defendants must therefore prove that, by a 19 preponderance of the evidence, the amount in controversy is greater than \$75,000. 20 *Guglielmino*, 506 F.3d at 699. Defendant identifies: (1) Plaintiff’s potential economic 21 damages: (2) noneconomic damages; and (3) attorney’s fees, as damages totaling more 22 than \$75,000.

Doc. No. 9. Plaintiff disagrees with this assessment for various reasons. 23 Doc. No. 6-1. 24 The parties disagree as to the amount of lost wages Plaintiff seeks in this action. 25 Defendants state in their notice of removal and attached declarations that, at the time of 26 her termination “Plaintiff was a full-time employee earning a rate of \$20.21 per hour.” 27 Doc.

No. 1 at 6; Doc No. 1-4 (“Strauss Decl.”) ¶ 7. Therefore, Defendants allege that, 28 between her termination and this case’s removal, Plaintiff’s claim for lost past wages 1 would be “approximately \$84,073.60.” Doc. No. 1 at 6. Presuming that the case is set 2 for trial one year after removal, they calculate Plaintiff’s total lost wages at \$122,876.80, 3 including lost future wages.4 *Id.* at 7.

Plaintiff, however, argues that “after taking a leave 4 of absence following surgery, Defendants terminated her employment when she 5 attempted to return to work. This means that at the time of her unlawful termination, 6 [Plaintiff] was not employed as a ‘full-time employee.’” Doc. No. 6-1 at 6. 7 Under California law, a backpay award should “give the employee what [they] 8 would

have earned with the employer less any net earnings during the time between 9 [their] wrongful discharge and reinstatement.” *Davis v. Los Angeles Unified Sch.*

*Dist. 10 Pers. Com.*, 62 Cal. Rptr. 3d 69, 76 (Cal. Ct. App. 2007) (quoting *Lisec v. United 11 Airlines, Inc.* 11 Cal. Rptr. 2d 689, 692 (Cal. Ct. App. 1992) (internal brackets omitted); 12 see *Andrade v. Arby’s Rest. Grp., Inc.*, 225 F. Supp. 3d 1115, 1139–40 (N.D. Cal. 2016) 13 (FEHA).

However, “an employer is not liable for backpay during periods that an 14 improperly discharged employee is unavailable for work....” *Davis*, 62 Cal. Rptr. 3d at 15 77 (quoting *Canova v. NLRB* 708 F.2d 1498, 1505 (9th Cir. 1983)). Backpay is 16 calculated from the date of termination through the date of removal. See *Reese v. Daikin 17 Comfort Tech. Distrib., Inc.*, 729 F. Supp. 3d 980, 987 (C.D.

Cal. 2024); cf. *Andrade*, 225 18 F. Supp. 3d at 1140. “Where a trial date is not yet set... a year from the date of removal 19 is a conservative estimate for front pay.” *Reese*, 729 F. Supp. 3d at 987 (collecting 20 cases). 21 As all parties agree for purposes of the motion, Plaintiff’s alleged termination 22 occurred when she attempted to return to work after a leave of absence.

Doc. No. 6-1 at 23 6; Doc. No. 9 at 4. Indeed, in her complaint, Plaintiff states that “in or around 24 December 2022, Plaintiff informed an Optum therapy technician supervisor... that she 25 26 3 ((\$20.21/hour x 40 hours x 4 weeks = \$3,233.60/month) x 26 months between termination and 27 removal). Doc. No. 1 at 6. 4 “(\$3,233.60/month x 12 months ([future wages for] March 12, 2025[,] to March 12, 2026)([])) + 28 1 || was ready to resume her regular duties.” Compl. § 24.

Thus, Plaintiff cannot not allege 2 || that wages in controversy should decrease because she intended to continue her leave— 3 ||she alleges her leave was already over. Additionally, at no point does Plaintiff claim that 4 || during her leave, or prior, she was reassigned or reclassified as a part-time employee, nor 5 || does she contradict the “full-time” hours (40 per week) that Defendants assert with any 6 || other figure or schedule.

See generally *id.*; see Doc. No. 6-1 at 6. Instead, the record 7 reflects merely that Plaintiff intended to return to her position as she held it before—to 8 return to her “regular duties.” Compl. § 24. Defendants’ evidence and Plaintiff’s 9 || pleadings therefore rebut her argument that she was not a full-time employee. 10 Plaintiff makes no other argument to rebut Defendants’ assertions and declarations 11 |on this point and filed no reply to Defendants’ response in opposition.

See Doc. Nos. 6-1 12 ||-6-3. The Court therefore finds that Defendants prove it is more likely than not that the 13 ||amount in controversy is at least the \$84,073.60 figure for lost past wages, based on the 14 || calculations Defendants set forward.<sup>o</sup> This exceeds the \$75,000 amount in controversy 15 requirement, and thus jurisdiction is proper. 16 IV. CONCLUSION 17 For these reasons, the Court DENIES Plaintiff’s motion to remand.

18 IT IS SO ORDERED. 19 || Dated: May 27, 2025 “ hl Ue ~f hike 20 HON. MICHAEL M.  
ANELLO 1 United States District Judge 22 23 24 25 26 27 28 || Because backpay alone exceeds  
\$75,000, the Court will not address other damages.