

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Judith Lemus v. Sunrise Senior Living Management, Inc. et al.

Lemus v. Sunrise · No. 2:25-cv-06836-AH-(SKx) · Decided September 17, 2025

SUMMARY

The United States District Court for the Central District of California grants Judith Lemus’s motion to remand her employment-related action against Sunrise Senior Living Management, Inc. to Los Angeles Superior Court. The court holds that snap removal cannot cure the absence of complete diversity and concludes that Sunrise failed to establish diversity jurisdiction regarding the alleged California defendant.

CASE DETAILS

|                       |                                                                                                                                                                                                                                  |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Central District of California                                                                                                                                                              |
| WRITING FOR THE COURT | Anne Hwang                                                                                                                                                                                                                       |
| JURISDICTION          | United States District Court for the Central District of California                                                                                                                                                              |
| DECIDED               | September 17, 2025                                                                                                                                                                                                               |
| DOCKET                | 2:25-cv-06836-AH-(SKx)                                                                                                                                                                                                           |
| DISPOSITION           | remanded                                                                                                                                                                                                                         |
| PROCEDURAL POSTURE    | Plaintiff moved to remand an employment action removed from Los Angeles County Superior Court on asserted diversity-jurisdiction grounds.                                                                                        |
| STANDARD OF REVIEW    | The removing defendant bears the burden of establishing federal subject matter jurisdiction by a preponderance of the evidence when removal jurisdiction is challenged. Removal statutes are strictly construed against removal. |
| PRECEDENTIAL VALUE    | unpublished district court order; persuasive authority only                                                                                                                                                                      |
| PARTIES               | Sunrise Senior Living Management, Inc. v. Judith Lemus                                                                                                                                                                           |

TOPICS

- subject matter jurisdiction
- civil procedure
- sexual harassment
- employment discrimination

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether snap removal under 28 U.S.C. § 1441(b)(2) can establish or preserve diversity jurisdiction when complete diversity otherwise does not exist.
2. Whether the removing defendant established complete diversity by a preponderance of the evidence after the plaintiff challenged the citizenship allegations.
3. Whether the defendant waived or abandoned its response to the plaintiff's argument that Jennifer's California citizenship defeated complete diversity.

## HOLDINGS

1. Snap removal cannot confer diversity jurisdiction where complete diversity otherwise does not exist; the forum-defendant rule in 28 U.S.C. § 1441(b)(2) does not eliminate the separate requirement of complete diversity under 28 U.S.C. § 1332.
2. After a plaintiff challenges the jurisdictional allegations in a notice of removal, the removing defendant must prove federal diversity jurisdiction by a preponderance of the evidence.
3. A nonmoving party's failure to address an argument raised in support of remand may be treated as waiver or abandonment of that issue.

## KEY QUOTATIONS

*“Federal courts are courts of limited jurisdiction.” (at 2)*

*“Snap removal cannot confer diversity jurisdiction where it otherwise would not exist.” (at 3)*

*“The issue is therefore not whether a defendant who is a citizen of the forum state – here, California – may remove the action before being properly served. Instead, the issue is whether the requirements of diversity jurisdiction are satisfied in the first place.” (at 3)*

## FACTUAL BACKGROUND

Lemus brought claims under the California Fair Employment and Housing Act, the California Family Rights Act, and the California Labor Code arising from alleged sexually inappropriate and offensive workplace conduct by her supervisor, identified as Jennifer LNU. Lemus and Sunrise were alleged to be California and Virginia citizens, respectively, while the complaint contained an unidentified individual defendant and Doe defendants. Sunrise removed before Jennifer was served and relied on snap removal to support diversity jurisdiction.

## PROCEDURAL HISTORY

Lemus filed suit in Los Angeles County Superior Court against Sunrise, a defendant identified as Jennifer LNU, and Doe defendants. Sunrise removed the action to the Central District of California under 28 U.S.C. § 1332, asserting that the citizenship of the unserved forum defendant could be disregarded under snap removal. Lemus moved to remand, arguing that Jennifer's California citizenship defeated complete diversity. The district court granted the motion and directed the clerk to remand the case to Los Angeles Superior Court.

## DISPOSITION

remanded

## REMAND INSTRUCTIONS

The clerk was directed to remand the case to Los Angeles Superior Court, Case No. 25STCV18121.

## CASES CITED

- Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994)
- California ex rel. Lockyer v. Dynegy, Inc., 375 F.3d 831, 838 (9th Cir.), amended on denial of reh'g by, 387 F.3d 966 (9th Cir. 2004)
- Caterpillar Inc. v. Lewis, 519 U.S. 61, 68 (1996)
- Soliman v. Philip Morris Inc., 311 F.3d 966, 971 (9th Cir. 2002)
- Dart Cherokee Basin Operating Co., LLC v. Owens, 574 U.S. 81, 89 (2014)
- Acad. of Country Music v. Cont'l Cas. Co., 991 F.3d 1059, 1068 (9th Cir. 2021)
- Sandoval v. Republic Servs. Inc., 2018 WL 1989528, at \*3–4 (C.D. Cal. Apr. 24, 2018)
- Sing v. Sunrise Senior Mgmt., 2023 WL 3686251, at \*3–4 (N.D. Cal. May 26, 2023)
- Lively v. Wild Oats Markets, Inc., 456 F.3d 933, 939 (9th Cir. 2006)
- Pecherski v. Gen. Motors Corp., 636 F.2d 1156, 1160–61 (8th Cir. 1981)
- Jenkins v. Cnty. of Riverside, 398 F.3d 1093, 1096 n.4 (9th Cir. 2005)
- Hartranft v. Encore Cap. Grp., Inc., 543 F. Supp. 3d 893, 913 (S.D. Cal. 2021)

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