

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Noah Faerber, an individual and on behalf of all others similarly
situated v. Accor Hotels & Resorts (Maryland) LLC, a Maryland
limited liability company doing business as Claremont Club & Spa
Berkeley; Diane Binder, an individual; and Does 1 through 100,
inclusive

No. 2:25-cv-08169-DSF-JC (C.D. Cal. Oct. 24, 2025) · No. 2:25-cv-08169-DSF-JC · Decided October 24, 2025

SUMMARY

The United States District Court for the Central District of California denied Noah Faerber’s motion to remand a putative wage-and-hour class action removed under the Class Action Fairness Act. The court held that the amount in controversy exceeded \$5 million based primarily on waiting-time and wage-statement penalty calculations. The court also declined to remand the entire case based on the UCL claim, granted leave to amend that claim, and denied related requests for judicial notice and to strike as moot.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Dale S. Fischer
JURISDICTION	United States District Court for the Central District of California
DECIDED	October 24, 2025
DOCKET	2:25-cv-08169-DSF-JC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to remand a wage-and-hour putative class action removed from state court under the Class Action Fairness Act. The court denied remand, denied defendants' requests for judicial notice and to strike as moot, and granted limited leave to amend the California Unfair Competition Law claim.
STANDARD OF REVIEW	The removing party must establish the CAFA amount-in-controversy requirement by a preponderance of the evidence when the plaintiff mounts a factual attack. Facial challenges are evaluated by accepting

	the truth of the jurisdictional allegations while determining whether they are legally sufficient.
PRECEDENTIAL VALUE	Nonprecedential federal district court order
PARTIES	Noah Faerber v. Accor Hotels & Resorts (Maryland) LLC, Diane Binder, Does 1 through 100, inclusive

TOPICS

class actions subject matter jurisdiction motion to amend civil procedure restitution

PRACTICE AREAS

civil procedure employment law wage and hour class actions remedies

QUESTIONS PRESENTED

1. Whether Accor established by a preponderance of the evidence that more than \$5 million was in controversy for purposes of CAFA jurisdiction.
2. Whether the complaint's allegations supported Accor's assumptions regarding violation rates and waiting-time penalties.
3. Whether the court could remand the entire action because the UCL claim lacked an adequate remedy at law and therefore lacked equitable jurisdiction.
4. Whether Faerber should receive leave to amend the UCL claim.

HOLDINGS

1. Accor established that more than \$5 million was in controversy because the reasonable amounts for the waiting-time penalties and wage-statement penalties claims together exceeded \$5 million.
2. Accor reasonably assumed a 100 percent violation rate for the challenged waiting-time and wage-statement claims based on the complaint's allegations and the defined class populations.
3. The court could not remand the entire action merely because it lacked equitable jurisdiction over the UCL claim, because it retained jurisdiction over other claims under CAFA.
4. Faerber was granted leave to amend the UCL claim solely to address the adequate-remedy-at-law issue, subject to Rule 11 and the court's filing deadline.

KEY QUOTATIONS

“A defendant’s notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold.” (Section I)

“It is consistent with the complaint to assume that each separated employee suffered at least one instance of the varieties of underpayment alleged in the complaint, and that Accor did not rectify those alleged underpayments within 30 days of separation for any former employee in the putative class.” (Section II.A.1)

FACTUAL BACKGROUND

Faerber brought a wage-and-hour putative class action on behalf of current and former nonexempt California employees. Accor calculated more than \$11 million in controversy, including waiting-time penalties and wage-statement penalties, based on the complaint's allegations and supporting evidence. Although Faerber challenged Accor's assumptions, the court concluded that the waiting-time and wage-statement claims together exceeded CAFA's \$5 million threshold.

PROCEDURAL HISTORY

Accor removed the putative class action based in part on CAFA jurisdiction. Faerber moved to remand, arguing that Accor had not established the amount in controversy and that the court lacked equitable jurisdiction over the UCL claim. The district court found CAFA jurisdiction because the waiting-time and wage-statement claims alone placed more than \$5 million in controversy, declined to remand the entire action, and granted leave to amend the UCL claim to allege the absence of an adequate remedy at law.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. Faerber may file and serve an amended complaint addressing only the UCL adequate-remedy-at-law issue by November 17, 2025. Adding new claims or defendants requires a properly noticed motion for leave.

CASES CITED

- *Perez v. Rose Hills Co.*, 131 F.4th 804, 807 (9th Cir. 2025)
- *Arias v. Residence Inn by Marriott*, 936 F.3d 920, 924-25 (9th Cir. 2019)
- *Ibarra v. Manheim Invs., Inc.*, 775 F.3d 1193, 1197
- *Dart Cherokee Basin Operating Co., LLC v. Owens*, 574 U.S. 81, 89 (2014)
- *Harris v. KM Indus., Inc.*, 980 F.3d 694, 699-701 (9th Cir. 2020)
- *Salter v. Quality Carriers, Inc.*, 974 F.3d 959, 964-65 (9th Cir. 2020)
- *Leite v. Crane Co.*, 749 F.3d 1117, 1121
- *Jauregui v. Roadrunner Transp. Servs., Inc.*, 28 F.4th 989, 993-94
- *LaCross v. Knight Transp. Inc.*, 775 F.3d 1200, 1201
- *Singer v. State Farm Mut. Auto. Ins. Co.*, 116 F.3d 373, 377
- *Fraser v. Goodale*, 342 F.3d 1032, 1036
- *Guzman v. Polaris Indus. Inc.*, 49 F.4th 1308, 1312 (9th Cir. 2022)
- *Lee v. Am. Nat'l Ins. Co.*, 260 F.3d 997, 1006 (9th Cir. 2001)
- *Bacon v. Woodward*, 104 F.4th 744, 753 (9th Cir. 2024)
- *Lopez v. Smith*, 203 F.3d 1122, 1130 (9th Cir. 2000)

