

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Demond Dezeurn v. Flowers Bakeries Sales of SoCal LLC et al.

Dezeurn · No. 5:25-cv-01211-ODW (SPx) · Decided December 8, 2025

SUMMARY

The United States District Court for the Central District of California grants Plaintiff Demond Dezeurn’s motion to remand a putative California wage-and-hour class action to state court. The court holds that Defendants failed to establish by a preponderance of the evidence that the amount in controversy exceeded \$75,000, particularly because their projected attorneys’ fees were speculative and could not be attributed solely to the named plaintiff. The court denies Defendants’ motion to dismiss as moot and closes the case.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                             |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Central District of California                                                                                                                                                                                         |
| WRITING FOR THE COURT | Otis D. Wright II                                                                                                                                                                                                                                           |
| JURISDICTION          | United States District Court for the Central District of California                                                                                                                                                                                         |
| DECIDED               | December 8, 2025                                                                                                                                                                                                                                            |
| DOCKET                | 5:25-cv-01211-ODW (SPx)                                                                                                                                                                                                                                     |
| DISPOSITION           | remanded                                                                                                                                                                                                                                                    |
| PROCEDURAL POSTURE    | Plaintiff moved to remand a putative California wage-and-hour class action removed from state court on diversity-jurisdiction grounds. Defendants opposed remand and separately moved to dismiss.                                                           |
| STANDARD OF REVIEW    | A removing defendant bears the burden of establishing federal jurisdiction by a preponderance of the evidence using summary-judgment-type evidence. Removal statutes are strictly construed, and doubts concerning removal are resolved in favor of remand. |
| PRECEDENTIAL VALUE    | unpublished                                                                                                                                                                                                                                                 |

TOPICS

- subject matter jurisdiction
- civil procedure
- class actions
- attorney fees
- wage and hour

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether Defendants established by a preponderance of the evidence that the amount in controversy exceeded the \$75,000 threshold for diversity jurisdiction under 28 U.S.C. § 1332.
2. Whether projected attorneys' fees could be attributed solely to the named plaintiff when calculating the amount in controversy in a putative class action.
3. Whether Defendants' motion to dismiss remained justiciable after remand.

## HOLDINGS

1. Defendants failed to prove by a preponderance of the evidence that the amount in controversy exceeded \$75,000. Assuming without deciding that \$9,118 in actual damages was properly in controversy, Defendants' speculative attorneys' fee estimate did not establish that the jurisdictional threshold was met.
2. In a putative class action, attorneys' fees that are not recoverable solely by the named plaintiff may not be attributed entirely to that plaintiff for purposes of calculating the amount in controversy.
3. Defendants' motion to dismiss was denied as moot following remand.

## KEY QUOTATIONS

*"But a removing defendant must "prove that the amount in controversy (including attorneys' fees) exceeds the jurisdictional threshold by a preponderance of the evidence," and must "make this showing with summary-judgment-type evidence.""* (at 3)

*"In a putative class action, attorneys' fees "cannot be allocated solely to [the named] plaintiffs for purposes of amount in controversy.""* (at 5)

*"As the attorneys' fees "must be divided among all members of the plaintiff class for purposes of amount in controversy," Defendants have failed to carry their burden to show that the attorneys' fees should be included in the amount in controversy calculation." (at 6)*

## FACTUAL BACKGROUND

Dezeurn worked for Defendants as an hourly-paid, non-exempt employee in California from August through December 2024. He alleged that Defendants failed to pay minimum and overtime wages, provide meal and rest periods, timely pay final wages, issue accurate wage statements, and reimburse necessary business expenses. He brought the claims as a putative class action on behalf of California hourly, non-exempt employees. Defendants estimated the amount in controversy at \$100,067.50, including \$9,118 in actual damages and approximately \$90,949.50 in attorneys' fees.

## PROCEDURAL HISTORY

Dezeurn filed a putative wage-and-hour class action in the Superior Court of California, County of San Bernardino. Defendants removed the action to the Central District of California under 28 U.S.C. § 1332,

asserting complete diversity and an amount in controversy exceeding \$75,000. The district court granted the motion to remand because Defendants failed to establish the jurisdictional amount, remanded the case to state court, denied the motion to dismiss as moot, vacated all dates, and closed the case.

## DISPOSITION

remanded

## REMAND INSTRUCTIONS

Remand the action to the Superior Court of California, County of San Bernardino, 247 West 3rd Street, San Bernardino, California 92415, Case No. CIVSB2505225. The federal court vacated all dates, directed the Clerk to close the case, and denied Defendants' motion to dismiss as moot.

## CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Kokkonen v. Guardian Life Insurance Co. of America, 511 U.S. 375, 377 (1994)
- Fifty Associates v. Prudential Insurance Co. of America, 446 F.2d 1187, 1190 (9th Cir. 1970)
- Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)
- Corral v. Select Portfolio Servicing, Inc., 878 F.3d 770, 773-74 (9th Cir. 2017)
- Galt G/S v. JSS Scandinavia, 142 F.3d 1150, 1156 (9th Cir. 1998)
- Fritsch v. Swift Transportation Co. of Arizona, LLC, 899 F.3d 785, 795 (9th Cir. 2018)
- Kaplan Kaplan v. BMW of North America, LLC, No. 21-cv-00857 TWR (AGS), 2021 WL 4352340, at \*6 (S.D. Cal. Sept. 24, 2021)
- Gibson v. Chrysler Corp., 261 F.3d 927, 941-42 (9th Cir. 2001)
- Kanter v. Warner-Lambert Co., 265 F.3d 853, 858 (9th Cir. 2001)
- Rodriguez v. Goodrich Corp., No. 2:14-cv-01026 JAM AC, 2014 WL 3842904, at \*3 (E.D. Cal. Aug. 1, 2014)
- Lamar v. Wyndham Vacation Resorts, Inc., No. 25-cv-04191-JST, 2025 WL 1823114, at \*2 (N.D. Cal. July 2, 2025)

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