

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Nensi Stagnaro v. Hollywood Park Management Company, LLC, et
al.

Stagnaro · No. 2:24-cv-10143-FLA (JPRx) · Decided August 7, 2025

SUMMARY

The United States District Court for the Central District of California grants Nensi Stagnaro’s motion to remand a putative consumer class action to Los Angeles County Superior Court. The court holds that removal under the Class Action Fairness Act was timely but that defendants failed to establish by a preponderance of the evidence that the amount in controversy exceeded \$5 million. The court denies attorney’s fees and denies defendants’ pending motions as moot.

OPINION

Nensi Stagnaro v. Hollywood Park Management Company, LLC
PER CURIAM.

1 JS-6 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT OF CALIFORNIA

10 11 NENSI STAGNARO, Case No. 2:24-cv-10143-FLA (JPRx) 12 Plaintiff,
ORDER GRANTING PLAINTIFF’S

13 v. MOTION TO REMAND [DKT. 15]

14 AND DENYING DEFENDANTS’

MOTIONS TO BIFURCATE

HOLLYWOOD PARK MANAGEMENT

15 DISCOVERY [DKT. 36] AND

COMPANY, LLC, et al.,

16 DISMISS THIRD AMENDED

Defendants. COMPLAINT [DKT. 79] AS MOOT 17 18 19 20 21 22 23 24 25 26 27 28

1 RULING

2 Before the court is Plaintiff Nensi Stagnaro’s (“Stagnaro” or “Plaintiff”) Motion 3 to Remand
 (“Motion”). Dkt. 15 (“Mot.”).1 Defendants Hollywood Park Management 4 Company, LLC and
 Stadco LA, LLC (together, “Defendants”) oppose the motion.

5 Dkt. 27 (“Opp’n”).2

6 On February 12, 2025, the court found this matter appropriate for resolution 7 without oral
 argument and vacated the hearing set for February 14, 2025. Dkt. 35; see 8 Fed. R. Civ. P. 78(b);

Local Rule 7-15. For the reasons stated below, the court 9 GRANTS the Motion and REMANDS the action to the Los Angeles County Superior 10 Court.

11 BACKGROUND

12 Plaintiff filed the operative complaint (the “Second Amended Complaint” or 13 “SAC”) against Defendants in the Los Angeles County Superior Court, Case No. 14 23STCV27414, on October 24, 2024. Dkt. 1-1 at 3–25 (“SAC”). In sum, Plaintiff 15 alleges Defendants charged consumers at SoFi Stadium (“SoFi”) hidden fees that 16 consumers did not know were being charged. Id. ¶¶ 5–8. Accordingly, Plaintiff 17 brings causes of actions for violations of California’s (1) Consumers Legal Remedies 18 Act (“CLRA”) (Civ. Code § 1750, et seq.), (2) False Advertising Law (Bus. & Prof. 19 Code § 17500, et seq.), (3) Unfair Competition Law (“UCL”) (Bus. & Prof. Code § 20 17200, et seq.), and for (4) breach of implied contract. Id. ¶¶ 54–89. 21 In their Notice of Removal, Defendants argue this court has subject matter 22 jurisdiction over the action under the Class Action Fairness Act of 2005 (“CAFA”), 23 24 1 The court cites documents by the page numbers added by the court’s CM/ECF 25 system, rather than any page numbers that appear within the documents natively. 26 2 Defendants also filed evidentiary objections to the Declaration of Evan Sumer In 27 Support of Plaintiff’s Motion to Stay Briefing (Dkt. 12-1). Dkt. 27-3. Because the court did not rely on the challenged evidence in reaching its conclusion, the objections 28 are overruled as moot. 1 28 U.S.C. § 1332(d). Dkt. 1 (“NOR”) ¶ 9. Defendants contend there are at least 100 2 class members in the putative class, the parties are sufficiently diverse, and the 3 amount in controversy exceeds \$5,000,000. Id. ¶¶ 11–27. In response, Plaintiff 4 argues removal is improper because Defendants’ removal was untimely and 5 Defendants failed to prove to the required level of certainty that the amount in 6 controversy exceeds \$5,000,000. Mot. at 14–21.

7 DISCUSSION

8 I. Legal Standard 9 A defendant may remove an action from state court if the plaintiff could have 10 originally filed the action in federal court. See 28 U.S.C. § 1441(a). CAFA provides 11 federal subject matter jurisdiction if (1) the proposed plaintiff class is not less than 100 12 members, (2) the parties are minimally diverse, and (3) the aggregate amount in 13 controversy exceeds \$5,000,000. 28 U.S.C. § 1332(d)(2), (5)(B). “Congress intended 14 CAFA to be interpreted expansively.” *Ibarra v. Manheim Invs., Inc.*, 775 F.3d 1193, 15 1197 (9th Cir. 2015). 16 The party seeking removal bears the burden of establishing subject matter 17 jurisdiction. *Abrego Abrego v. The Dow Chem. Co.*, 443 F.3d 676, 686 (9th Cir. 18 2006). Where the amount in controversy is not apparent from the face of the 19 complaint, the removing party “must prove by a preponderance of the evidence that 20 the amount in controversy requirement has been met.” Id. While generally, “a 21 defendant’s notice of removal need include only a plausible allegation that the amount 22 in controversy exceeds the jurisdictional threshold,” when a plaintiff contests the 23 amount in controversy put forth by the defendant, “[e]vidence establishing the amount 24 is required....” *Dart Basin Operating Co. v. Owens*, 574 U.S. 81, 89 (2014). The 25 parties, thus,

“may submit evidence outside the complaint, including affidavits or 26 declarations, or other ‘summary-judgment-type evidence relevant to the amount in 27 controversy at the time of removal.’” Ibarra, 775 F.3d at 1197 (quoting *Singer v. 28 State Farm Mut. Auto. Ins. Co.*, 116 F.3d 373, 377 (9th Cir. 1997)). “Under this 1 system, a defendant cannot establish removal jurisdiction by mere speculation and 2 conjecture, with unreasonable assumptions.” *Id.* 3 II. Analysis 4 As the parties do not contest CAFA’s jurisdictional requirements of minimum 5 diversity and class numerosity, the remaining disputes are whether Defendants timely 6 removed this case and whether CAFA’s amount in controversy requirement is met. 7 See Mot. at 14–21; Opp’n at 16–23.

8 A. Timely Removal 9 Removal is timely when it is effectuated within thirty days after a pleading 10 “from which it may first be ascertained that the case is one which is or has become 11 removable.” 28 U.S.C. § 1446(b)(3). Under CAFA, class actions “may be removed at 12 any point during the pendency of litigation in state court, so long as removal is 13 initiated within thirty days after the defendant is put on notice that a case which was 14 not removable based on the face of the complaint has become removable.” *Abrego 15 Abrego*, 443 F.3d at 691. 16 Defendants argue removal was timely because the SAC added facts that 17 demonstrated the existence of federal jurisdiction. According to Defendants, the SAC 18 expanded the scope of the putative class. Opp’n at 17. Plaintiff counters that 19 Defendants were on notice of Plaintiff’s claims—given that “the FAC and the SAC 20 challenge the same conduct under identical claims, seek the same relief, and similarly 21 propose open-ended class periods.” Mot. at 16. The court agrees with Defendants. 22 The FAC defined Plaintiff’s putative class as: 23 All persons who, at any time during the period beginning four years 24 prior to the filing of this Complaint, were either (i) charged 25 Transaction Fees at Sofi Stadium without receiving prior notice of this charge, or (ii) were charged a total purchase price (excluding taxes) 26 that was higher than the sum that is calculated by adding the 27 Advertised Price of each item they purchased at Sofi Stadium. 28 1 FAC ¶ 43 (emphasis added). The SAC, on the other hand, defined the putative class 2 as: 3 All persons who, while attending the Sofi Stadium at any time after 4 November 6, 2019, were either (i) charged a Transaction Fee by 5 Defendants, or (ii) charged, in a transaction resulting in the sale of one or more Products, a charge that was not disclosed as a part of 6 Defendants’ Advertised Prices of the Products that were the subject of 7 that transaction. 8 SAC ¶ 46. 9 Unlike the FAC, the SAC added to the putative class all consumers who were 10 charged a transaction fee regardless of the lack of prior notice. This amendment was 11 enough to trigger a new thirty-day period within which Defendants could remove the 12 action to federal court. See 28 U.S.C. § 1446(b)(3). As Defendants timely did so, the 13 Motion will not be granted on this ground. 14 B. Amount in Controversy 15 Defendants estimate the amount in controversy is \$3,676,315.05 (\$3,342,104.59 16 in previously charged transaction fees + \$334,210.46 in previously charged sales tax) 17 if damages were to be calculated from November 6, 2019, through the date of 18 Defendants’ Opposition (January 21, 2025). Opp’n at 20; Dkt. 27-1 at 3–4. If 19 damages were to be

calculated, instead, through Plaintiff's requested trial date 20 (December 2026) and include projected and announced events at SoFi, Defendants 21 estimate the amount to be \$6,316,315.05 (\$5,742,104.59 in transaction fees estimated 22 to be charged + \$574,210.46 in sales tax estimated to be charged). Opp'n at 20–21;

23 Dkt. 27-1 at 4–5. Defendants argue \$6,318,315.05 (the aforestated \$6,316,315.05 + 24 \$2,000 in damages “that may be incurred in connection with Plaintiff's requested 25 injunctive relief”) is “the potential amount in controversy”, and that “[t]his amount 26 excludes pre-judg[ment] and post-judgment interest, any reasonable attorneys' fees, 27 costs and expenses.” Opp'n at 20–21. 28 / / / 1 Although the Ninth Circuit has recognized that “the mere futurity of certain 2 classes of damages [does not] preclude[] them from being part of the amount in 3 controversy,” such damages must be “presently in controversy.” *Chavez v. JPMorgan Chase & Co.*, 888 F.3d 413, 417 (9th Cir. 2018) (emphasis in original); see also 5 *Grupo Dataflux v. Atlas Global Grp., L.P.*, 541 U.S. 567, 570 (2004) (stating that it is 6 well-settled authority that “the jurisdiction of the court depends upon the state of 7 things at the time of the action brought.”). 8 Courts within the Ninth Circuit have ruled that future damages that rely on the 9 assumption that a defendant “will continue to violate the [law] to the same degree 10 even after the filing of the complaint” are unduly speculative and cannot be 11 considered part of the amount in controversy. E.g., *Hughes v. McDonald's Corp.*, 12 Case No. C 14-1700 PJH, 2014 WL 3797488, at *2 (N.D. Cal. July 31, 2014) (cleaned 13 up); see also *Petkevicius v. NBTY, Inc.*, Case No. 3:14-cv-02616-CAB (RBB), 2017 14 WL 1113295, at *7 (S.D. Cal. Mar. 24, 2017) (ruling that the amount in controversy 15 should not include future damages if the court had to “speculat[e] about possible 16 future injuries caused by future conduct of the defendant”). 17 Likewise, the court declines to include future estimated transaction fees or 18 estimated sales tax as part of the amount in controversy calculation. Such future 19 damages would require the court to speculate unreasonably as to future SoFi events, 20 whether they would be held or cancelled (as occurred during the recent Covid-19 21 pandemic), and the number of individuals who may attend such events, and assume 22 Defendants “will continue to violate the [law] to the same degree even after the filing 23 of the complaint.” *Hughes*, 2014 WL 3797488, at *2; see also *Aseltine v. Panera, LLC*, Case No. 21-cv-04284-JST, 2021 WL 8267421, at *2 (N.D. Cal. Dec. 13, 2021) 25 (as for determining amount in controversy, “future damages are speculative because 26 they do not stem from wrongdoing that has already occurred, but rather assume that 27 wrongdoing will be done in the future”) (citations omitted); *Ibarra*, 775 F.3d at 1197 28 1 (“Under this system, a defendant cannot establish removal jurisdiction by mere 2 speculation and conjecture, with unreasonable assumptions.”). 3 Accounting for future damages in this way also violates established Ninth 4 Circuit precedent. Just as “post-filing developments do not defeat jurisdiction if 5 jurisdiction was properly invoked as of the time of filing,” post-filing events cannot 6 create jurisdiction where jurisdiction did not exist at the time the action was filed. 7 *Visendi v. Bank of Am., N.A.*, 733 F.3d 863, 868 (9th Cir. 2013) (citation omitted). 8 Thus, the determination of the amount in controversy

must be the same now as it was 9 at the case's onset. See Petkevicius, 2017 WL 1113295, at *7. 10 For these reasons, the court concludes Defendants have established that the 11 amount in controversy includes \$3,676,315.05 (\$3,342,104.59 in previously charged 12 transaction fees and \$334,210.46 in previously charged sales tax).³ 13 As for attorney's fees, Defendants assume Plaintiff's counsel will be awarded 14 the benchmark fee of 25% of damages. Opp'n at 21. Defendants, however, "cannot 15 establish the amount in controversy on attorneys' fees ... by relying solely on the 16 Ninth Circuit benchmark." *Lopez v. Advanced Drainage Sys., Inc.*, Case No. 5:24-cv- 17 07582-PCP, 2025 WL 1088199, at *6 (N.D. Cal. Apr. 11, 2025) (citing *Fritsch v. 18 Swift Transp. Co. of Ariz., LLC*, 899 F.3d 785, 796 (9th Cir. 2018)) (collecting cases). 19 Nevertheless, even if 25% of damages were to be awarded as attorney's fees in this 20 21 22 23 3 Defendants argue pre-judgment interest should be included in the amount in 24 controversy, but CAFA excludes interest and costs in this calculation. See *Yocupicio 25 v. PAE Grp., LLC*, 795 F.3d 1057, 1060 (9th Cir. 2015) (citing 28 U.S.C. § 1332(d)(2)). Defendants also contend Plaintiffs would be entitled to \$2,000 as "the 26 approximate amount that may be incurred in connection with Plaintiff's requested 27 injunctive relief." Opp'n at 21. Defendants, however, fail to offer any evidence to explain the basis for this amount, and the court will not consider it in calculating the 28 amount in controversy. 1 case, the fees would come to \$919,078.76, raising the amount in controversy to 2 \$4,595,393.81, which is still below the \$5,000,000 minimum under CAFA.⁴ 3 Accordingly, Defendants have failed to demonstrate by a preponderance of the 4 evidence that the amount in controversy satisfies the minimum threshold under 5 CAFA. 6 C. Request for Attorneys' Fees 7 Lastly, Plaintiff seeks attorney's fees under 28 U.S.C. § 1447(c) ("§ 1447(c)"),

8 Mot. at 23, which provides that "an order remanding the case may require payment of 9 just costs and any actual expenses, including attorney fees, incurred as a result of the 10 removal." *Leon v. Gordon Trucking, Inc.*, 76 F. Supp. 3d 1055, 1072 (C.D. Cal. 11 2014) (cleaned up) (quoting 28 U.S.C. § 1447(c)). "Absent unusual circumstances, 12 attorney's fees should not be awarded under § 1447(c) when the removing party has 13 an objectively reasonable basis for removal. Conversely, where no objectively 14 reasonable basis exists, fees should be awarded." *Martin v. Franklin Cap. Corp.*, 546 15 U.S. 132 (2005). 16 Although Defendants have failed to prove by a preponderance of the evidence 17 that the amount in controversy exceeds \$5,000,000, removal was objectively 18 reasonable and does not merit an award of attorney's fees. Accordingly, Plaintiff's 19 request for attorney's fees is DENIED. 20 /// 21 /// 22 /// 23 24 25 26 27 4 As Defendants have not met their burden regarding the amount in controversy, the 28 court denies Plaintiff's remaining evidentiary objections (Dkt. 34-1) as moot.

CONCLUSION

2 For the foregoing reasons, the court GRANTS Plaintiff's Motion (Dkt. 15), and 3 | REMANDS this action to the Los Angeles County Superior Court, Case Number 4 | 23STCV27414. Defendants' Motions to Bifurcate Discovery (Dkt. 36) and Dismiss 5 | Plaintiffs' Third Amended

Complaint (Dkt. 79) are DENIED as moot. The clerk of 6 | court shall administratively close the case. 7 8 IT IS SO ORDERED. 9 10 | Dated: August 7, 2025

1 FERNANDO L. AENLLE-ROCHA

United States District Judge 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

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