

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Albert Margayan v. Nissan North America, Inc.

Margayan · No. CV 25-5653 PA (MBKx) · Decided July 1, 2025

SUMMARY

The United States District Court for the Central District of California grants the plaintiff’s motion to remand an action removed under diversity jurisdiction. The court holds that Nissan North America, Inc. failed to plausibly allege that the plaintiff was domiciled in California, noting that residence alone does not establish citizenship and that the removing party bears the jurisdictional burden. The action is remanded to the Los Angeles County Superior Court for lack of subject matter jurisdiction.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Percy Anderson
JURISDICTION	United States District Court for the Central District of California
DECIDED	July 1, 2025
DOCKET	CV 25-5653 PA (MBKx)
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendant removed the action from Los Angeles County Superior Court on the asserted basis of diversity jurisdiction. Plaintiff moved to remand, arguing that the removal papers failed to establish subject matter jurisdiction.
STANDARD OF REVIEW	The removing defendant bears the burden of establishing federal jurisdiction, and removal statutes are strictly construed against removal jurisdiction. Federal jurisdiction must be rejected if there is any doubt as to the right of removal.
PRECEDENTIAL VALUE	unpublished district court opinion; precedential status unknown
PARTIES	Nissan North America, Inc. v. Albert Margayan

TOPICS

- subject matter jurisdiction
- civil procedure
- federalism

PRACTICE AREAS

civil procedure

federal jurisdiction

removal and remand

QUESTIONS PRESENTED

1. Whether Nissan plausibly alleged complete diversity of citizenship sufficient to support removal under 28 U.S.C. § 1332(a).
2. Whether allegations that Margayan resided in California, without adequate allegations or evidence of domiciliary intent, established that he was a California citizen for diversity-jurisdiction purposes.
3. Whether the preponderance-of-the-evidence standard discussed in amount-in-controversy removal cases displaced the strict presumption against removal jurisdiction when the removing party failed to establish the plaintiff's citizenship.

HOLDINGS

1. A removing defendant must plausibly allege the plaintiff's actual citizenship, and allegations of residence alone do not suffice to establish domicile or citizenship when they do not adequately show intent to remain.
2. Where the removing defendant has not established the plaintiff's citizenship, any doubt concerning the right of removal requires rejection of federal jurisdiction and remand.

KEY QUOTATIONS

"Federal courts are courts of limited jurisdiction, having subject matter jurisdiction only over matters authorized by the Constitution and Congress." (at 2)

"The burden of establishing federal jurisdiction is on the party seeking removal, and the removal statute is strictly construed against removal jurisdiction." (at 2)

"Federal jurisdiction must be rejected if there is any doubt as to the right of removal in the first instance." (at 2)

"Residence is physical, whereas domicile is generally a compound of physical presence plus an intention to make a certain definite place one's permanent abode" (at 5)

"Absent unusual circumstances, a party seeking to invoke diversity jurisdiction should be able to allege affirmatively the actual citizenship of the relevant parties." (at 6)

FACTUAL BACKGROUND

Margayan filed an action in Los Angeles County Superior Court involving a vehicle leased from Nissan. Nissan's removal papers alleged that Margayan resided in California, including during the period surrounding the vehicle lease, but offered little or no evidence of his intent to remain in California. Nissan argued that the alleged duration of Margayan's California residence established California citizenship by a preponderance of the evidence.

PROCEDURAL HISTORY

Nissan North America, Inc. removed the action on June 20, 2025, and filed supplements addressing the alleged basis for diversity jurisdiction. After a June 27, 2025 status conference, the court permitted Nissan to submit further authority before ruling on plaintiff's oral motion to remand. The court found that Nissan had not plausibly alleged Margayan's California citizenship and remanded the action to Los Angeles County Superior Court.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The action was remanded to Los Angeles County Superior Court, Case No. 25STCV12883, for lack of subject matter jurisdiction.

CASES CITED

- Kokkonen v. Guardian Life Ins. Co., 511 U.S. 375, 377 (1994)
- Prize Frize, Inc. v. Matrix (U.S.) Inc., 167 F.3d 1261, 1265 (9th Cir. 1999)
- Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)
- Academy of Country Music v. Continental Cas. Co., 991 F.3d 1059, 1068 (9th Cir. 2021)
- Kantor v. Wellesley Galleries, Ltd., 704 F.2d 1088, 1090 (9th Cir. 1983)
- Kanter v. Warner-Lambert Co., 265 F.3d 853, 857 (9th Cir. 2001)
- Indus. Tectonics, Inc. v. Aero Alloy, 912 F.2d 1090, 1092 (9th Cir. 1990)
- Johnson v. Columbia Props. Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006)
- Weible v. United States, 244 F.2d 158, 163 (9th Cir. 1957)
- Bradley Min. Co. v. Boice, 194 F.2d 80, 84 (9th Cir. 1951)
- Adams v. West Marine Prods., 958 F.3d 1216, 1221 (9th Cir. 2020)
- Mondragon v. Capital One Auto Finance, 736 F.3d 880, 886 (9th Cir. 2013)
- Lew v. Moss, 797 F.2d 747, 751 (9th Cir. 1986)
- Scott v. Breeland, 792 F.2d 925, 927 (9th Cir. 1986)
- Dart Cherokee Basin Operating Co., LLC v. Owens, 574 U.S. 81, 89 (2014)
- Nishimoto v. Federman—Bachrach & Assocs., 903 F.2d 709, 712 n.3 (9th Cir. 1990)
- Emrich v. Touche Ross & Co., 846 F.2d 1190, 1195 (9th Cir. 1988)
- California ex rel. Lockyer v. Dynegy, Inc., 375 F.3d 831, 838 (9th Cir.), opinion amended on denial of reh'g, 387 F.3d 966 (9th Cir. 2004)
- Sanchez v. Monumental Life Ins. Co., 102 F.3d 398, 403-04 (9th Cir. 1996)
- Guglielmino v. McKee Foods Corp., 506 F.3d 696, 699 (9th Cir. 2007)
- Crescencio v. Ford Motor Co., No. CV 24-10946-MWEF (BFMx), 2025 WL 1122096 (C.D. Cal. Apr. 9, 2025)

- Covarrubias v. Ford Motor Co., No. 2:25-cv-00328-JLS-MAA, 2025 WL 907544 (C.D. Cal. Mar. 24, 2025)

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