

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Salloum Makhamre v. Mountain View Centers, et al.

Makhamre · No. 2:25-cv-06279-MAA · Decided August 21, 2025

SUMMARY

The United States District Court for the Central District of California granted Plaintiff’s motion to remand an action involving California elder-abuse and negligence claims to Los Angeles Superior Court. The court held that the Federal Arbitration Act did not provide an independent basis for federal subject-matter jurisdiction or removal, and denied Plaintiff’s request for attorneys’ fees despite finding the removal objectively difficult to justify.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Maria A. Audero
JURISDICTION	United States District Court for the Central District of California
DECIDED	August 21, 2025
DOCKET	2:25-cv-06279-MAA
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendants removed a California state-law elder-abuse and negligence action to federal court based solely on the Federal Arbitration Act. Plaintiff moved to remand and sought attorney's fees under 28 U.S.C. § 1447(c).
STANDARD OF REVIEW	The existence of federal subject matter jurisdiction is determined as a jurisdictional matter; an award of attorney's fees under 28 U.S.C. § 1447(c) is discretionary and generally depends on whether the removing party lacked an objectively reasonable basis for removal.
PRECEDENTIAL VALUE	Unpublished district court order; persuasive but not binding beyond the case.
PARTIES	Mountain View Centers, Smita T. Sanghvi v. Salloum Makhamre, by and through his successor in interest, Basma Makhamre

TOPICS

subject matter jurisdiction

arbitration

attorney fees

civil procedure

PRACTICE AREAS

Civil procedure

Federal jurisdiction

Removal and remand

Arbitration

Attorney's fees

QUESTIONS PRESENTED

1. Whether the Federal Arbitration Act supplied an independent basis for federal subject matter jurisdiction or otherwise authorized removal of this state-law action.
2. Whether plaintiff was entitled to attorney's fees under 28 U.S.C. § 1447(c) based on defendants' removal.

HOLDINGS

1. The Federal Arbitration Act does not itself create federal subject matter jurisdiction, and 9 U.S.C. § 205 did not authorize removal because the case involved neither an arbitration agreement nor an international arbitration agreement or award. Because defendants identified no other basis for federal jurisdiction, remand was required.
2. The court denied attorney's fees because, despite finding defendants' removal extremely difficult to justify and objectively unreasonable in appearance, the record did not establish bad faith and counsel's circumstances warranted declining to exercise the court's discretion to award fees.

KEY QUOTATIONS

“The Act’s authorization of a petition does not itself create jurisdiction. Rather, the federal court must have what we have called an “independent jurisdictional basis” to resolve the matter.” (at 2)

“The provision allows the removal only of cases “related to an international arbitration agreement or award.”” (at 2)

“Absent unusual circumstances,” therefore, “courts may award attorney’s fees under § 1447(c) only where the removing party lacked an objectively reasonable basis for seeking removal.” (at 3)

FACTUAL BACKGROUND

The complaint asserted only California-law claims for elder abuse under California Welfare & Institutions Code section 15600 et seq. and negligence. Defendants removed the case approximately eighteen months after filing, relying solely on the Federal Arbitration Act, although the record did not identify an arbitration agreement or award. Plaintiff sought remand and \$6,250 in attorney's fees, while defendants opposed both requests.

PROCEDURAL HISTORY

Plaintiff filed the action in Los Angeles Superior Court on January 2, 2024. Defendants removed it to the Central District of California on July 7, 2025, asserting the Federal Arbitration Act as the sole basis for federal jurisdiction. The district court granted the motion to remand, denied attorney's fees, and remanded the case to Los Angeles Superior Court.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The case was remanded to the Los Angeles Superior Court. Plaintiff's motion for attorney's fees was denied.

CASES CITED

- Badgerow v. Walters, 596 U.S. 1, 4 (2022)
- Cerner Middle E. Ltd. v. Belbadi Enters. LLC, 939 F.3d 1009, 1011, 1016 (9th Cir. 2019)
- Vaden v. Discover Bank, 556 U.S. 49, 59 (2009)
- Hall St. Assocs., L.L.C. v. Mattel, Inc., 552 U.S. 576, 581-82 (2008)
- Jordan v. Nationstar Mortg. LLC, 781 F.3d 1178, 1184 (9th Cir. 2015)
- Martin v. Franklin Cap. Corp., 546 U.S. 132, 140-41 (2005)
- Lussier v. Dollar Tree Stores, Inc., 518 F.3d 1062, 1065-66 (9th Cir. 2008)