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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 THE PEOPLE OF THE STATE OF
12 CALIFORNIA,

Plaintiff,

13
14 v.

15 COAST RUNNER INDUSTRIES, INC.,
16 GHOST GUNNER, INC., and DEFENSE
17 DISTRIBUTED,

Defendants.
18

Case No.: 24-cv-00971-AJB-SBC

**ORDER GRANTING PLAINTIFF'S
MOTION TO REMAND**

(Doc. No. 10)

19 Before the Court is Plaintiff the People of the State of California's ("Plaintiff" or
20 "the People") motion to remand. (Doc. No. 10.) The motion is fully briefed. (*See* Doc. Nos.
21 10, 16, 17.) The Court, pursuant to its discretion under Civil Local Rule 7.1.d.1, determines
22 the matter is suitable for resolution without need for oral argument, submits the motion on
23 the parties' papers, and vacates the hearing. For the following reasons, the Court **GRANTS**
24 Plaintiff's motion to remand.

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1 I. BACKGROUND¹

2 Defendants Ghost Gunner Inc., Coast Runner Industries, Inc., and Defense
3 Distributed (collectively, “Defendants”) are Texas corporations that sell products that
4 allow individuals to manufacture un-serialized, untraceable, firearms, or “ghost guns.”
5 (Doc. No. 1-8, “Compl.”, ¶¶ 1–2, 10–13, 25.) One of Defense Distributed’s products is a
6 computer numerical control (“CNC”) milling machine called the “Ghost Gunner.” (*Id.* ¶
7 2.) Ghost Gunner Inc.’s website states, “The Ghost Gunner 3 aims to allow individuals to
8 manufacture their own un-serialized firearms. Un-serialized firearms are untraceable.
9 Hence, the ‘ghost gun’ name.” (*Id.* ¶ 2.) The product supports “a growing library of
10 firearms patterns, including the AR-15, AR-308, 1911, and Polymer80 frames.” (*Id.*)

11 Plaintiff alleges that Coast Runner Industries, Inc. is an alter ego of Ghost Gunner
12 and Defense Distributed. (*Id.* ¶¶ 6, 30.) Plaintiff contends that the “Coast Runner” product
13 is identical to the Ghost Runner 3, (*id.* ¶ 42), and was “designed and marketed for the
14 California market,” (*id.* ¶ 34). By February 14, 2023, Ghost Gunner Inc.’s website included
15 the following: “Notice: California residents ordering a Ghost Gunner CNC machine
16 consent to receiving a Coast Runner CNC machine in lieu of a Ghost Gunner.” (*Id.* ¶ 34.)
17 Plaintiff alleges that Defendants seek to evade California regulations that prohibit the use,
18 sale, or transfer of CNC milling machines that have the “sole or primary function of
19 manufacturing firearms,” by selling the “Coast Runner” machine to California residents.
20 (*Id.* ¶¶ 61, 62, 82 (citing Cal. Pen. Code § 29185(b); Cal. Civ. Code § 3273.62(a)–(b)).)

21 Ghost guns pose an imminent danger to the people of California precisely because
22 they are untraceable and largely unregulated—purchasers of Defendants’ CNC milling
23 machines can evade age requirements, background checks, and other regulations governing
24 the purchase of firearms from state-licensed firearms manufacturers. (*Id.* ¶ 58.) Plaintiff
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27 ¹ The following facts are taken from Plaintiff’s Complaint, which the Court construes as true for the
28 limited purpose of resolving the instant motion. *See Brown v. Elec. Arts, Inc.*, 724 F.3d 1235, 1247 (9th
Cir. 2013).

1 further alleges that the number of ghost guns recovered in connection with criminal activity
 2 in California has increased from 26 ghost guns recovered in 2015, to 12,894 ghost guns
 3 recovered in 2022. (*Id.* ¶ 56.) Local and federal law enforcement in Los Angeles, Oakland,
 4 San Diego, and San Francisco reported that in 2020 and 2021, ghost guns accounted for 25
 5 to 50 percent of firearms recovered at crime scenes. (*Id.*) These figures represent only the
 6 recorded number of ghost guns recovered from crime scenes—Plaintiff asserts that the
 7 number of ghost guns in circulation is much higher. (*Id.* ¶ 57.)

8 On May 3, 2024, Plaintiff filed a complaint in San Diego County Superior Court.
 9 (Doc. No. 1-8.) Plaintiff, by and through the Office of County Counsel for the County of
 10 San Diego, brought the action against Defendants. (Compl. at 3.) Defendants are Texas
 11 corporations and Coast Runner’s and Ghost Gunner’s principal places of business are in
 12 Austin, Texas. (Doc. No. 1, “Removal Notice,” at 2; Compl. ¶¶ 11–13.) Plaintiff asserts
 13 two causes of action against Defendants: (1) violation of California Civil Code § 3273.62,
 14 prohibiting a person who sells, offers to sell, transfers, advertises, or markets a CNC
 15 milling machine from knowingly or recklessly causing another person to engage in conduct
 16 that is illegal under Penal Code 29185, which proscribes anyone, other than a state licensed
 17 manufacturer, to “use a [CNC] milling machine or three-dimensional printer to
 18 manufacture a firearm”; and (2) violation of California’s Unfair Competition Law, Cal.
 19 Bus. & Prof. Code § 17200 (“UCL”). (Compl. ¶¶ 64–86.)

20 On June 3, 2024, Defendants timely removed the case to federal court under diversity
 21 jurisdiction. (Doc. No. 1.) Defendants also filed a motion to change venue, (Doc. No. 5),
 22 and motion dismiss for lack of jurisdiction, (Doc. No. 6). On June 18, 2024, Plaintiff filed
 23 the instant motion to remand, arguing that Defendants failed to satisfy their burden that
 24 diversity jurisdiction exists, and that removal is proper. (Doc. No. 10.)² This Order follows.

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 28 ² On June 25, 2024, the Court stayed briefing on Defendants’ motion to transfer, (Doc. No. 5), and
 motion to dismiss, (Doc. No. 6), pending resolution of Plaintiff’s motion to remand. (Doc. No. 13.)

1 II. LEGAL STANDARD

2 “Federal courts are courts of limited jurisdiction and, as such, cannot exercise
3 jurisdiction without constitutional and statutory authorization.” *Hansen v. Grp. Health*
4 *Coop.*, 902 F.3d 1051, 1056 (9th Cir. 2018) (citations omitted). “A defendant generally
5 may remove a civil action if a federal district court would have original jurisdiction over
6 the action.” *Allen v. Boeing Co.*, 784 F.3d 625, 628 (9th Cir. 2015) (citing 28 U.S.C. §
7 1441(a)); *see Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987). Federal courts have
8 original jurisdiction where an action presents a federal question under 28 U.S.C § 1331, or
9 diversity of citizenship under 28 U.S.C § 1332. For a federal court to exercise diversity
10 jurisdiction, there must be “complete diversity” between the parties and the amount in
11 controversy must exceed the \$75,000 threshold. *See* 28 U.S.C. § 1332(a).

12 There is a strong presumption against removal jurisdiction, and courts strictly
13 construe the removal statute against removal jurisdiction. *See Geographic Expeditions, Inc.*
14 *v. Estate of Lhotka ex rel. Lhotka*, 599 F.3d 1102, 1107 (9th Cir. 2010). “The removing
15 defendant bears the burden of overcoming the strong presumption against removal
16 jurisdiction.” *Hansen*, 902 F.3d at 1057 (internal quotation marks and citations omitted);
17 *see also Scott v. Breeland*, 792 F.2d 925, 927 (9th Cir. 1986) (“The party seeking to invoke
18 the court’s jurisdiction bears the burden of establishing that jurisdiction exists.”). “Where
19 doubt regarding the right to removal exists, a case should be remanded to state court.”
20 *Matheson v. Progressive Specialty Ins. Co.*, 319 F.3d 1089, 1090 (9th Cir. 2003).

21 III. DISCUSSION

22 The parties dispute whether complete diversity of citizenship exists where Plaintiff
23 represents the People of the State of California and Defendants are citizens of Texas.
24 Plaintiff argues that this Court lacks jurisdiction because the People of the State of
25 California is the real party in interest and there can be no diversity jurisdiction where the
26 state is the party. (Doc. No. 10-1, “Pl.’s Mot.”, at 5–10.) Defendants contend that California
27 is not the real party in interest, but rather the real plaintiff in interest is Giffords Law Center
28 to Prevent Gun Violence (the “Giffords Law Center”), which is a citizen of the State of

1 California, so complete diversity exists. (Doc. No. 16, “Opp’n”, at 4–5.) The Parties do not
2 dispute that the amount of controversy exceeds the \$75,000 threshold. (*See generally*
3 Removal Notice; Pl.’s Mot.; Opp’n at 4.)

4 **A. Diversity of Citizenship**

5 “Diversity is generally determined from the face of the complaint.” *Gould v. Mut.*
6 *Life Ins. Co. of New York*, 790 F.2d 769, 773 (9th Cir. 1986) (citing *Miller v. Grgurich*,
7 762 F.2d 372, 373 (9th Cir. 1985)). Here, Plaintiff identifies “the People of the State of
8 California” as plaintiff. (Compl. ¶ 10.) “The ‘People of the State’ and ‘The State’ are
9 descriptive of the same sovereignty.” *California by & through Los Angeles City Att’y v.*
10 *Monsanto Co.*, No. 222CV02399ODWSKX, 2022 WL 2355195, at *2 (C.D. Cal. June 30,
11 2022) (quoting *People By & Through Dep’t of Pub. Works v. Glen Arms Est., Inc.*, 230
12 Cal. App. 2d 841, 854 (Ct. App. 1964)). “For the purposes of diversity jurisdiction, a State
13 is not a citizen of itself.” *Dep’t of Fair Emp. & Hous. v. Lucent Techs., Inc.*, 642 F.3d 728,
14 737 (9th Cir. 2011) (internal quotation marks and citation omitted). Accordingly, “neither
15 a state nor a state agency could be a party to a diversity action.” *Fifty Assocs. v. Prudential*
16 *Ins. Co. of Am.*, 446 F.2d 1187, 1191 (9th Cir. 1970); *see also Nevada v. Bank of Am. Corp.*,
17 672 F.3d 661, 669 (9th Cir. 2012) (“Nevada is not a citizen for purposes of diversity
18 analysis.”) (citing *Dyack v. Commonwealth of N. Mariana Islands*, 317 F.3d 1030, 1037
19 (9th Cir. 2003) (“[T]here is no question that a State is not a ‘citizen’ for purposes of
20 diversity jurisdiction.”)). However, “the mere presence on the record of the state as a party
21 plaintiff will not defeat the jurisdiction of the Federal court when it appears that the state
22 has no real interest in the controversy.” *Ex parte Nebraska*, 209 U.S. 436, 444 (1908).
23 Therefore, to determine whether the state of California is a real party in interest, the Court
24 must “look behind the pleadings to ensure that parties are not improperly creating or
25 destroying diversity jurisdiction.” *Monsanto Co.*, 2022 WL 2355195, at *2 (quoting
26 *Mississippi ex rel. Hood v. AU Optronics Corp.*, 571 U.S. 161, 174 (2014)).

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B. Real Party in Interest

Plaintiff argues, and Defendants do not dispute, that if California is the real party in interest, diversity of citizenship does not exist. (Pl.’s Mot. at 7–10; Opp’n at 8 n.1.) Rather, Defendants assert that the real plaintiff in interest is not California, but the Giffords Law Center. (Removal Notice at 2; Opp’n at 8–10.)

The parties agree that the test to determine “whether or not the state is the real party in interest” is to examine “the essential nature and effect of the proceeding as it appears from the entire record.” (Pl.’s Mot. at 8 (quoting *Dep’t of Fair Emp. & Hous. v. Lucent Techs., Inc.*, 642 F.3d 728, 740 (9th Cir. 2011)); Opp’n at 8.) In other words, the Court will “look[] at the case as a whole to determine the real party in interest[.]” *Nevada v. Bank of Am. Corp.*, 672 F.3d 661, 670 (9th Cir. 2012). To do so, the Ninth Circuit instructs courts to consider whether the State has a specific and concrete interest in the case, as opposed to only a general one, and the extent to which the State has a “substantial interest” in the relief sought. *See e.g., id.* at 670–71; *Lucent*, 642 F.3d at 738–40. “If the ‘relief sought is that which inures to it alone,’ the state may be a real party in interest.” *California by & through L.A. City Att’y v. Monsanto Co.*, No. 222CV02399ODWSKX, 2022 WL 2355195, at *3 (C.D. Cal. June 30, 2022) (quoting *Lucent*, 642 F.3d at 740); *see also Nevada*, 672 F.3d at 672 (finding Nevada to be the real party in interest where Nevada sought “substantial relief that is available to it alone”).

Two Ninth Circuit cases are instructive in determining whether the state is the real party in interest. In *Lucent*, the California Department of Fair Employment and Housing (“DFEH”), acting on behalf of the State of California, brought a wrongful termination action for Lucent Technologies, Inc.’s former employee. 642 F.3d 728. There, the Ninth Circuit held that California was not a real party in interest because California’s interest in protecting all persons from employment discrimination was only a “very ‘general governmental interest,’” *id.* at 738 (quoting *Missouri, K. & T. Ry. Co. of Kansas v. Hickman*, 183 U.S. 53, 60 (1901)), and that most of the requested relief for reinstatement and payment of compensatory and punitive damages “could be obtained by the individual

1 aggrieved.” *Id.* at 739. The Ninth Circuit found that any relief unique to DFEH was
2 “tangential” to the relief sought for the single employee. *Id.*

3 By contrast, in *Nevada*, the Ninth Circuit found that Nevada was a real party in
4 interest where Nevada’s Attorney General filed a complaint on behalf of Nevada
5 consumers against Bank of America and other defendants for deceptive trade practices
6 related to the 2008 mortgage crisis. *Nevada*, 672 F.3d at 670–72. The Ninth Circuit first
7 determined that Nevada’s Attorney General had statutory authority to pursue its claims. *Id.*
8 at 670. It also found that Nevada had a “specific, concrete interest in eliminating any
9 deceptive practices” that had afflicted Nevada consumers. *Id.* at 670. The Ninth Circuit
10 articulated, “[u]nlike the California DFEH, which sued on behalf of a *single* aggrieved
11 employee, here, the Nevada Attorney General sued to protect the hundreds of thousands of
12 homeowners in the state allegedly deceived by Bank of America, as well as those affected
13 by the impact of Bank of America’s alleged frauds on Nevada’s economy.” *Id.* at 670
14 (emphasis in original). Furthermore, the Ninth Circuit found that Nevada had a substantial
15 interest in the requested injunctive relief and civil penalties. *Id.* at 671–72 (“Unlike in
16 *Lucent*, where the interests that were unique to DFEH’s lawsuit were ‘tangential,’ here
17 Nevada seeks substantial relief that is available to it alone.”) Specifically, Nevada sought
18 enforcement of a consent judgment that disclaimed a private right of action, civil penalties
19 under Nevada’s Deceptive Trade Practices Act that were not available to individual
20 consumers, and injunctive relief. *Id.* at 672.

21 For the reasons articulated below, the present case is more analogous to *Nevada*
22 than to *Lucent*. California is a real party in interest, there is no diversity of citizenship and
23 remand is required.

24 **C. California as the Real Party in Interest**

25 As an initial matter, Plaintiff, by and through County Counsel for the County of San
26 Diego, has statutory authority to bring its first cause of action under California Civil Code
27 § 3273.62. California Civil Code § 3273.62(d), which codified California Assembly Bill
28 1089, makes it unlawful to sell or market a CNC milling machine or three-dimensional

1 printer in a manner that “is targeted at purchasers seeking to manufacture firearms or that
2 otherwise affirmatively promotes” the machine’s “utility in manufacturing firearms.” It
3 stipulates:

4 In the name of the people of the State of California, the Attorney General,
5 county counsel, or city attorney may bring an action in any court of competent
6 jurisdiction to establish that a person has violated this section, or Section
7 29185 of the Penal Code, and seek a civil penalty not to exceed twenty-five
8 thousand dollars (\$25,000) for each violation, as well as injunctive relief
sufficient to prevent the person and any other defendant from further violating
the law.

9 Cal. Civ. Code § 3273.62(d). San Diego County Counsel also has authority to bring its
10 UCL claim. Cal. Bus. & Prof. Code § 17204.

11 Additionally, “[l]ike the state in *Nevada*, the State of California . . . has concrete
12 interests in this litigation and will substantially benefit from the remedy [sought].”
13 *Monsanto Co.*, 2022 WL 2355195, at *3 (holding California was real party in interest in
14 pollution litigation against Monsanto where California had concrete interests “to clean its
15 waters of [toxic chemicals], keep its fish and wildlife healthy, keep its beaches usable, and
16 prevent deadly diseases that arise from the ingestion of [toxic chemicals]”). Here, the State
17 of California seeks to prevent the proliferation of ghost guns and mitigate the unique public
18 health and safety risks posed by them. (Compl. ¶¶ 55–59.) Plaintiff alleges that “[g]host
19 guns such as the ones that can be manufactured using the Coast Runner are fueling an
20 epidemic of violence across the country” and are particularly dangerous “precisely because
21 they are untraceable and largely unregulated.” (*Id.* ¶¶ 57–58.) Plaintiff points to two
22 California shootings conducted by individuals who were not legally permitted to purchase
23 firearms (one was a minor and one failed a mandatory background check) but who
24 nevertheless acquired and wielded untraceable ghost guns to kill innocent people. (*Id.* ¶
25 58.) California has specific and concrete interests in holding entities to account that violate
26 California’s firearm and consumer safety laws, in turn potentially exacerbating criminal
27 violence and posing serious risks to not just a single individual or entity, but to all
28 Californians. *See e.g., California v. Purdue Pharma L.P.*, No. SACV 14-1080-JLS DFM,

1 2014 WL 6065907, at *3 (C.D. Cal. Nov. 12, 2014) (finding that California’s interest in
2 ending the opioid epidemic that was “jeopardizing the health and safety of all
3 Californians—both through direct harm to opioid users and indirect harm to communities
4 in the form of increased crime rates, hospital utilization, joblessness and broken families”
5 was a “far cry from the ‘general governmental interest[s]’ present in *Lucent* and much more
6 akin to the ‘specific, concrete’ interest the State of Nevada had in remedying the wide-
7 ranging effects of the mortgage and foreclosure crisis in *Nevada*”).

8 Defendants argue, without citation to legal authority, that “San Diego County has no
9 real concrete stake in this litigation” because Plaintiff does not allege “that any [D]efendant
10 ever sold a Coast Runner CNC machine to anyone in San Diego.” (Opp’n at 10 n.2.) In
11 response, Plaintiff asserts that Defendant’s argument goes to the merits of the case, not to
12 jurisdiction. (Doc. No. 17, “Reply”, at 10.) The Court agrees with Plaintiff. The People of
13 California have a concrete interest in this litigation for the reasons stated above.

14 The relief Plaintiff seeks further supports that the State of California is a real party
15 in interest. As in *Nevada*, and unlike in *Lucent*, Plaintiff seeks “substantial relief . . .
16 available to it alone,” including injunctive relief to block Defendants from selling the Coast
17 Runner in California, as well as civil penalties under California Civil Code § 3273.62(a)
18 and California Business & Professional Code § 17200 et seq. *Nevada*, 672 F.3d at 672; *see*
19 *also Purdue Pharma L.P.*, 2014 WL 6065907 at *3 (finding that the relief sought by
20 Plaintiff, including civil penalties under the UCL and injunctive relief, “compels the
21 conclusion that the State of California is the real party in interest”).

22 Defendants argue that the Giffords Law Center is the real plaintiff in interest for two
23 reasons. First, Defendants assert that an attorney at the Giffords Law Center and a member
24 of San Diego County’s Board of Supervisors both stated that the County of San Diego and
25 the Giffords Law Center have “partnered” on this litigation. (Opp’n at 8–9.) It is evident
26 from the face of the complaint that the Giffords Law Center and San Diego County Counsel
27 serve as co-counsel for Plaintiff. (Compl. ¶ 2.) Defendants do not allege any facts to suggest
28 that the partnership between the Giffords Law Center and San Diego County Counsel

1 extends beyond the co-counsel relationship in any way to imply that the Giffords Law
2 Center, rather than the State of California, is the real plaintiff in interest. Second,
3 Defendants argue that the “Giffords Law Center is engaged in a long-term litigation
4 campaign that is expressly targeted against Defendant Defense [Distributed] and its
5 founder Cody Wilson.” (*Id.* at 9–10.) While Giffords Law Center may have historically
6 litigated against Defendants, Defendants do not offer any reasoning as to why counsel’s
7 involvement in prior litigation merits the Giffords Law Center becoming the plaintiff here.³
8 What’s more, Defendants do not argue, and the Court is unaware, of how the injunctive
9 relief and civil penalties sought by Plaintiff would benefit the Giffords Law Center. (*See*
10 *generally* Opp’n.) Rather, as articulated above, the State of California has concrete interests
11 in this litigation and will substantially benefit from the remedy [sought].” *Monsanto Co.*,
12 2022 WL 2355195, at *3.

13 Defendants do not satisfy their burden to establish that removal is proper. “[A]
14 defendant seeking to remove an action may not offer mere legal conclusions; it must allege
15 the underlying facts supporting each of the requirements for removal jurisdiction.” *Leite v.*
16 *Crane*, 749 F.3d 1117, 1122 (9th Cir. 2014); *see also Ibarra v. Manheim Inv., Inc.*, 775
17 F.3d 1193, 1197 (9th Cir. 2015) (“[A] defendant cannot establish removal jurisdiction by
18 mere speculation and conjecture, with unreasonable assumptions.”). In the Notice of
19 Removal, Defendants summarily assert that “this action’s real plaintiff in interest is the
20 Giffords Law Center to Prevent Gun Violence” without providing any additional factual
21 basis in support. (Removal Notice at 2.) In response to Plaintiff’s motion to remand,
22 Defendants do not elaborate or allege any plausible facts to establish how or why the
23 Giffords Law Center would be the Plaintiff in interest. (*See generally* Opp’n.) Because
24 Defendants only offer conclusory assertions that the Giffords Law Center is the real
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27 ³ Plaintiff disputes that Giffords Law Center ever sued any of the Defendants in this present
28 litigation. (Reply at 10 n.2.) Plaintiff concedes only that Gun Owners for Safety, a group associated with
the Giffords Law Center, filed *amicus* briefs in a Supreme Court and Fifth Circuit appeals involving
Defense Distributed. (*Id.*)

1 plaintiff in interest, they have not met their burden. *Blackburn v. FCA US LLC*, No.
2 16CV1507 AJB (WVG), 2016 WL 4191049, at *3 (S.D. Cal. Aug. 8, 2016) (granting
3 motion to remand where “notice of removal lacks information as to [the defendant] and
4 whether it is considered a juridical person for the purposes of establishing diversity
5 jurisdiction”).

6 **D. Defendants’ Requests for Jurisdictional Discovery, Leave to Amend**
7 **Notice of Removal, and Abeyance**

8 In response to Plaintiff’s motion to remand, Defendants made several requests for if
9 the Court found that California is the real party in interest. Defendants request (1) leave to
10 amend Defendants’ notice of removal “to supply more detailed allegations about why and
11 how Giffords Law Center is the real party in interest,” (Opp’n at 5), (2) additional
12 jurisdictional discovery into the nature of the partnership between the Giffords Law Center
13 and San Diego’s County Counsel, (*id.* at 9), and (3) in the event the Court decides to
14 remand, a 21-day abeyance “to ensure that Defendants[] do not lose their appellate rights
15 before they may be pursued,” (*id.* at 11).

16 The Court denies Defendants’ request for leave to amend. Defendants do not cite
17 any new plausible factual allegations supporting their contention that the Giffords Law
18 Center is the real plaintiff in interest, so granting leave for Defendants to file an amended
19 notice “would be futile on the facts alleged.” *Sawyer v. IBEW Loc. 569*, 2021 WL 509024,
20 at *2 (S.D. Cal. Feb. 11, 2021). Additional jurisdictional discovery is denied for the same
21 reason—Defendants do not outline the contours of the additional jurisdictional discovery
22 they seek, nor do they allege the kinds of information they anticipate discovering. Without
23 more, the Court denies Defendants’ request. *See Yamashita v. LG Chem, Ltd.*, 62 F.4th
24 496, 508 (9th Cir. 2023) (affirming denial of jurisdictional discovery where such discovery
25 “would be little more than a fishing expedition seeking support for jurisdictional theories
26 one of which is farfetched”). Finally, given that the Court determined that it lacks subject
27 matter jurisdiction because the State of California is not a citizen of itself for purposes of
28 establishing diversity jurisdiction, the Court denies Defendants’ request to hold its decision

1 in abeyance for 21 days for Defendants to appeal. Holding the Court’s decision in abeyance
2 would diverge from federal law that specifies that “[a]n order remanding a case to the State
3 court from which it was removed is not reviewable on appeal or otherwise.” 28 U.S.C. §
4 1447(d); *see also Acad. of Country Music v. Cont’l Cas. Co.*, 991 F.3d 1059, 1064 (9th Cir.
5 2021)(“[I]f a remand order is based on § 1447(c), then § 1447(d) precludes review by any
6 federal court.”)


7 Because California is a real party in interest, and Defendants have not met their
8 burden to establish that removal is proper, remand is required. *Monsanto Co.*, No.
9 222CV02399ODWSKX, 2022 WL 2355195, at *3.

10 **V. CONCLUSION**

11 For the foregoing reasons, the Court **GRANTS** Plaintiff’s motion to remand. The
12 Court **DENIES** Defendants’ requests for jurisdictional discovery, leave to amend their
13 Notice of Removal, and abeyance to allow for appeal. Accordingly, the Court **DENIES**
14 **AS MOOT** Defendants’ motion to change venue, (Doc. No. 5), and motion to dismiss,
15 (Doc. No. 6).

16 **IT IS SO ORDERED.**

17 Dated: October 4, 2024

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19 Hon. Anthony J. Battaglia
20 United States District Judge
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