

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Austin v. Kemper Corporation

Austin · No. 25-cv-07194-JST · Decided September 16, 2025

SUMMARY

The court directed the Clerk to close Case No. 25-cv-07367 after Kemper stated that it no longer believed removal was proper. The court also terminated as moot Austin’s motion to consolidate that case with Case No. 25-cv-07194.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Jon S. Tigar
JURISDICTION	United States District Court for the Northern District of California
DECIDED	September 16, 2025
DOCKET	25-cv-07194-JST
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to consolidate two removed federal cases. The Court separately determined that the second case had been improperly removed and directed the Clerk to close it, then terminated the consolidation motion in the first case as moot.
PRECEDENTIAL VALUE	Unknown

TOPICS

- subject matter jurisdiction
- civil procedure

PRACTICE AREAS

- civil procedure
- insurance

QUESTIONS PRESENTED

1. Whether Case No. 25-cv-07367 should be closed because the defendant no longer believed that removal was proper.

2. Whether Austin's motion to consolidate in Case No. 25-cv-07194 remained justiciable after Case No. 25-cv-07367 was closed.

HOLDINGS

1. The Court ordered the Clerk to close Case No. 25-cv-07367 as having been improperly removed.
2. The Court terminated Austin's motion to consolidate as moot.

FACTUAL BACKGROUND

George Jarvis Austin was the plaintiff in two federal cases involving Kemper Corporation or Kemper Corporation (Insurance). In Case No. 25-cv-07367, Kemper acknowledged that it no longer believed removal had been proper. Austin had filed a motion to consolidate that case with Case No. 25-cv-07194.

PROCEDURAL HISTORY

In Case No. 25-cv-07367, the Court had ordered Kemper to provide authority supporting removal after remand or state that removal was no longer proper. Kemper stated that it no longer believed removal was proper. The Court directed the Clerk to close Case No. 25-cv-07367 as improperly removed. Because that case was closed, the Court terminated Austin's motion to consolidate in Case No. 25-cv-07194 as moot.

DISPOSITION

other

CASES CITED

- Allstate Ins. Co. v. Superior Court, 132 Cal. App. 3d 670 (1982)

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
GEORGE JARVIS AUSTIN, Case No. 25-cv-07194-JST 8 Plaintiff, ORDER CLOSING CASE
NO. 25-cv- 07367 AND TERMINATING MOTION 9 v. IN CASE NO. 25-cv-07194 10
KEMPER CORPORATION, Re: ECF No. 34 Defendant. 11 12 GEORGE JARVIS AUSTIN, Case
No. 25-cv-07367-JST 13 Plaintiff, 14 v. 15 KEMPER CORPORATION (INSURANCE), 16
Defendant.

17 18 19 In Case No. 25-cv-07367, the Court ordered Defendant Kemper Insurance Corporation to
20 “file either (1) a brief that sets forth authority for concluding that the case was remanded and 21
therefore subject to removal or (2) a statement that it no longer believes that removal was proper.”
22 No. 25-cv-07367, ECF No. 20 at 1. Kemper has now filed a response stating that it “no longer
23 believes that removal was proper.

See *Allstate Ins. Co. v. Superior Court*, 132 Cal. App. 3d 670 24 (1982) (dismissal of federal action without remand terminates the action, leaving the state court 25 without jurisdiction to resume proceedings).” No. 25-cv-07367, ECF No. 22 at 1.

The Clerk is 26 therefore directed to close Case No. 25-cv-07367 as having been improperly removed. 27 In Case No. 25-cv-07194, Plaintiff George Jarvis Austin has filed a motion to consolidate 1 No. 25-cv-07194, ECF No. 34.

Because Case No. 25-cv-07367 has now been closed, the Court 2 terminates Austin’s motion as moot. 3 IT IS SO ORDERED. 4 Dated: September 16, 2025. es 5 JON S. TIG 6 United States District Judge 7 8 9 10 ll a 12 13 14 15 16 € = 17 Zz 18 19 20 21 22 23 24 25 26 27 28