

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

- 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)