

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Tim McVay v. Target; Target Corporation; and Does 1 to 100,
inclusive

McVay · No. 2:25-cv-00168-TLN-CSK · Decided September 26, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Tim McVay’s motion to remand a premises-liability action against Target Corporation and his application for leave to file an amended complaint. The court held that fictitious Doe defendants’ citizenship should be disregarded because the complaint did not identify them with sufficient detail, and it found that diversity jurisdiction and the amount-in-controversy requirement were satisfied. The court also denied the prospective amendment request because Plaintiff had not identified any individual to be added.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Troy L. Nunley
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 26, 2025
DOCKET	2:25-cv-00168-TLN-CSK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to remand a removed diversity action and separately sought leave to file an amended complaint to identify Doe defendants. The district court denied both requests.
STANDARD OF REVIEW	The removing party bears the burden of establishing federal diversity jurisdiction by a preponderance of the evidence. Removal statutes are strictly construed against removal. The amount in controversy is evaluated based on the complaint, the notice of removal, and appropriate summary-judgment-type evidence where necessary.
PRECEDENTIAL VALUE	unpublished
PARTIES	Tim McVay v. Target, Target Corporation, Does 1 to 100, inclusive

TOPICS

subject matter jurisdiction

civil procedure

motion to amend

premises liability

negligence

PRACTICE AREAS

civil procedure

premises liability

negligence

QUESTIONS PRESENTED

1. Whether the citizenship of the unidentified Doe defendants defeated complete diversity for purposes of removal.
2. Whether the amount in controversy exceeded \$75,000 and supported diversity jurisdiction.
3. Whether Plaintiff should be granted leave to file a prospective amended complaint to substitute the names of Doe defendants.

HOLDINGS

1. The citizenship of the Doe defendants was disregarded because federal law requires the citizenship of defendants sued under fictitious names to be disregarded, and Plaintiff's allegations did not provide sufficient detail to give a definitive clue to their identities.
2. The amount in controversy exceeded the \$75,000 jurisdictional threshold because Plaintiff's state-court statement of damages alleged \$5,000,000 in damages.
3. Leave to amend was denied because Plaintiff had not identified any individual whom he sought to add and his application did not explain why amendment should be permitted at that juncture.

KEY QUOTATIONS

"Therefore, the Court disregards the citizenship of Doe Defendants for jurisdictional purposes." (at 3)

"Therefore, based on Plaintiff's allegations in his Complaint, the Court finds the amount in controversy far exceeds \$75,000." (at 4)

FACTUAL BACKGROUND

McVay alleged that he was injured in a slip-and-fall incident at Target's store in Elk Grove, California, on January 19, 2022. He asserted general negligence and premises-liability claims and sought damages including lost wages, medical expenses, general damages, and lost earning capacity. His state-court statement of damages alleged \$5,000,000 in damages. The complaint named fictitious Doe defendants described only as Target employees potentially responsible for the incident.

PROCEDURAL HISTORY

McVay filed a premises-liability and negligence complaint in Sacramento Superior Court arising from a slip-and-fall at a Target store. Target removed the action to the Eastern District of California on January 13, 2025, asserting diversity jurisdiction. McVay moved to remand and applied for leave to amend, and the court denied both motions.

DISPOSITION

other

CASES CITED

- *Lew v. Moss*, 797 F.2d 747, 749 (9th Cir. 1986)
- *Resnik v. La Paz Guest Ranch*, 289 F.2d 814, 819 (9th Cir. 1961)
- *Strotek Corp. v. Air Transp. Ass'n of Am.*, 300 F.3d 1129, 1131 (9th Cir. 2002)
- *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992)
- *Dart Cherokee Basin Operating Co., LLC v. Owens*, 574 U.S. 81, 87–89 (2014)
- *Kroske v. U.S. Bank Corp.*, 432 F.3d 976, 980 (9th Cir. 2005)
- *Singer v. State Farm Mut. Auto. Ins. Co.*, 116 F.3d 373, 376 (9th Cir. 1997)
- *Sanchez v. Monumental Life Ins. Co.*, 102 F.3d 398, 404 (9th Cir. 1996)
- *Allen v. R & H Oil & Gas Co.*, 63 F.3d 1326, 1335–36 (5th Cir. 1995)
- *Caterpillar Inc. v. Lewis*, 519 U.S. 61, 68 (1996)
- *Weight v. Active Network, Inc.*, 29 F. Supp. 3d 1289, 1292 (S.D. Cal. 2014)
- *Sandoval v. Republic Servs., Inc.*, No. 2:18-CV-01224-ODW(KSX), 2018 WL 1989528, at *3 (C.D. Cal. Apr. 24, 2018)
- *Collins v. Garfield Beach CVS, LLC*, No. CV 17-3375 FMO (GJSx), 2017 WL 2734708, at *2 (C.D. Cal. 2017)
- *Brown v. TranSouth Fin. Corp.*, 897 F. Supp. 1398, 1401 (M.D. Ala. 1995)
- *Mazariego v. Walmart*, No. 1:24-CV-00612-KES-SAB, 2024 WL 3594596, at *3 (E.D. Cal. July 30, 2024)