

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Eleanor Colbert v. Tesla, Inc., et al.

Colbert v. Tesla · No. 25-cv-09311-JST · Decided December 31, 2025

SUMMARY

The United States District Court for the Northern District of California remands Eleanor Colbert’s case against Tesla, Inc. and other defendants to California state court. The Court holds that the citizenship of unserved, non-fictitious individual defendants must be considered for diversity jurisdiction, and that their shared citizenship with the plaintiff defeats complete diversity. The Clerk is directed to close the file.

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	December 31, 2025
DOCKET	25-cv-09311-JST
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendant Tesla removed the action based on diversity jurisdiction. After issuing an order to show cause, the Court determined that the citizenship of unserved, non-fictitious individual defendants destroyed complete diversity and remanded the case.
STANDARD OF REVIEW	The Court independently determined whether subject matter jurisdiction existed; removal jurisdiction is strictly construed, and any doubt is resolved in favor of remand.
PRECEDENTIAL VALUE	District court order; precedential status not established in the source metadata.

TOPICS

- subject matter jurisdiction
- civil procedure
- interstate disputes

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the citizenship of unserved, non-fictitious defendants must be considered when determining whether complete diversity exists for removal jurisdiction.
2. Whether 28 U.S.C. § 1441(b)(1), concerning defendants sued under fictitious names, permits disregarding the citizenship of the unserved individual defendants in this case.
3. Whether the Court had any other basis for federal subject matter jurisdiction.

HOLDINGS

1. The citizenship of named, non-fictitious defendants must be considered in determining whether complete diversity exists, even when those defendants had not been served at the time of removal.
2. 28 U.S.C. § 1441(b)(1) does not permit disregarding the individual defendants' citizenship because they were not sued under fictitious names.
3. Remand was required because the shared citizenship of Plaintiff and the individual defendants deprived the Court of diversity jurisdiction, and Tesla identified no other basis for federal jurisdiction.

KEY QUOTATIONS

“Accordingly, the Court rejects Tesla’s argument that it should not consider the individual Defendants’ citizenship. This deprives the Court of diversity jurisdiction.” (at 2)

FACTUAL BACKGROUND

Tesla removed the case, asserting diversity jurisdiction under 28 U.S.C. § 1332. The citizenship of the individual defendants was undisputedly the same as Plaintiff Eleanor Colbert's citizenship, which would defeat complete diversity if considered. The individual defendants had not been served when Tesla removed the action, and Tesla argued that their unserved status meant their citizenship should be disregarded.

PROCEDURAL HISTORY

Tesla removed the case to federal court under 28 U.S.C. § 1332. The Court issued an order to show cause regarding remand, received Tesla's response, and rejected Tesla's argument that the citizenship of unserved individual defendants should be disregarded. Although the parties later agreed to request remand in connection with a contemplated arbitration agreement, the Court independently remanded for lack of diversity jurisdiction and directed the Clerk to close the file.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The case is remanded to the Superior Court of California for the County of Alameda for lack of subject matter jurisdiction. The Clerk shall close the federal file.

CASES CITED

- Guerrero v. SFS Beauty CA LLC, No. 25-cv-1133-JES-KSC, 2025 WL 2460193, at *3 (S.D. Cal. Aug. 26, 2025)
- Wagner v. SpaceX, No. 2:25-cv-04703-SB-MAR, 2025 WL 2161333, at *1 (C.D. Cal. July 28, 2025)
- Cripps v. Life Insurance Company of North America, 980 F.2d 1261, 1266 & n.4 (9th Cir. 1992)
- Stelly v. Tesla, Inc., No. 25-cv-08933-JSC, 2025 WL 3251469, at *1 (N.D. Cal. Nov. 21, 2025)
- Clarence E. Morris, Inc. v. Vitek, 412 F.2d 1174, 1176 (9th Cir. 1969)
- Pullman Co. v. Jenkins, 305 U.S. 534 (1939)

OPINION

Colbert

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 ELEANOR COLBERT, Case No. 25-cv-09311-JST 8 Plaintiff,

ORDER REMANDING CASE

v. 9 10 TESLA, INC., et al., Defendants. 11 12 13 In its order to show cause as to why this case should not be remanded, the Court explained 14 why it believed Defendant Tesla, Inc.’s removal of this case was improper. ECF No. 13. Tesla 15 contends that the Court has diversity jurisdiction under 28 U.S.C. § 1332. It asserts that the 16 individual Defendants’ citizenship—which it does not dispute is the same as Plaintiff Eleanor 17 Colbert’s citizenship and would therefore deprive the Court of jurisdiction if it were considered— 18 should be disregarded because those Defendants had not been served at the time of removal. The 19 Court explained that, while 28 U.S.C. § 1441(b)(2) might not prevent removal in a case involving 20 a forum-based defendant if that defendant had not yet been served, that did not mean that the 21 citizenship of that defendant is not considered when determining whether diversity jurisdiction 22 exists. ECF No. 13 at 1–2 (citing Guerrero v. SFS Beauty CA LLC, No. 25-cv-1133-JES-KSC, 23 2025 WL 2460193, at *3 (S.D. Cal. Aug. 26, 2025); Wagner v. SpaceX, No. 2:25-cv-04703-SB- 24 MAR, 2025 WL 2161333, at *1 (C.D. Cal. July 28, 2025)). 25 In its response to the order to show cause, Tesla relies on what it acknowledges is dicta 26 from Cripps v. Life Insurance Company of North America, 980 F.2d 1261, 1266 (9th Cir. 1992). 27 As explained by another court in this district when it remanded a similar case removed by Tesla: 1 interpleader actions under 28 U.S.C. § 1335, or Congress’s 1988 amendments to 28 U.S.C. 2 || § 1441, which provided unserved ‘Doe’ defendants are disregarded for diversity purposes, 3 overrules” Ninth Circuit precedent that “[w]henever federal jurisdiction in a removal case depends 4 || upon complete diversity, the

existence of diversity is determined from the fact of citizenship of the 5 parties named and not from the fact of service.” *Stelly v. Tesla, Inc.*, No. 25-cv-08933-JSC, 2025 6 WL 3251469, at *1 (N.D. Cal. Nov. 21, 2025); *Clarence E. Morris, Inc. v. Vitek*, 412 F.2d 1174, 7 1176 (9th Cir. 1969) (emphasis added) (following *Pullman Co. v. Jenkins*, 305 U.S. 534 (1939)). 8 In fact, the Ninth Circuit in *Cripps* distinguished *Vitek* because “[t]he danger that plaintiffs will 9 || manipulate the jurisdiction of federal courts” by trying to “create diversity by naming as a 10 || defendant a party who is not in fact brought into the lawsuit by service of process” is not present 11 when the court considers what rule to apply to removing parties, who “ha[ve] no control over who 12 || was served.” *Cripps*, 980 F.2d at 1266 & n.4. Additionally, 28 U.S.C. § 1441(b)(1), which 5 13 || provides that “defendants sued under fictitious names shall be disregarded” when “determining 14 || whether a civil action is removable on the basis of [diversity] jurisdiction,” does not apply to this 3 15 case because the individual Defendants here have not been sued under fictitious names. a 16 Accordingly, the Court rejects Tesla’s argument that it should not consider the individual 3 17 Defendants’ citizenship. This deprives the Court of diversity jurisdiction. Because Tesla does not 18 assert any other basis for federal jurisdiction, the Court remands this case to the Superior Court of 19 California for the County of Alameda for lack of jurisdiction.‘! The Clerk shall close the file. 20 IT IS SO ORDERED. 21 Dated: December 31, 2025 .

22 JON S. TIGAR'

23 nited States District Judge 24 25 ' After Tesla filed its response to the order to show cause, the parties agreed to remand this case 26 || because they “intend to agree to arbitrate this matter pursuant to a pre-dispute arbitration □ agreement, and Plaintiff contends this Court would lack jurisdiction over a future proceeding to 07 confirm or vacate any arbitration award.” ECF No. 15 at 2. The Court issues this order to make clear that it lacks diversity jurisdiction over the present case, an issue that the parties’ stipulated 2g || request to remand does not address. The Court also notes that the stipulation listed a different Plaintiff’s name in the signature block, id., but it assumes that this was a typographical error.