

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)