

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Gloria Brockman and Willie Brockman v. Costco Wholesale
Corporation and Does 1 through 10, inclusive

Brockman · No. 3:25-cv-01603-H-DEB · Decided August 1, 2025

SUMMARY

The United States District Court for the Southern District of California ordered Gloria and Willie Brockman to disclose the special damages they had incurred to date in their negligence, premises liability, and loss-of-consortium action against Costco Wholesale Corporation. The disclosure was required to assist the court in determining whether the amount-in-controversy requirement for diversity jurisdiction was satisfied.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Marilyn L. Huff
JURISDICTION	United States District Court for the Southern District of California
DECIDED	August 1, 2025
DOCKET	3:25-cv-01603-H-DEB
DISPOSITION	other
PROCEDURAL POSTURE	After Costco removed the action from California state court based on diversity jurisdiction, the district court ordered jurisdictional discovery concerning the amount in controversy and directed Plaintiffs to disclose their incurred special damages.
STANDARD OF REVIEW	The court applied the standard governing jurisdictional discovery, under which discovery ordinarily should be granted when jurisdictional facts are controverted or a more satisfactory factual showing is necessary.
PRECEDENTIAL VALUE	Unknown; the document is a district court order and no precedential designation appears in the provided text.

TOPICS

- subject matter jurisdiction
- discovery dispute
- civil procedure
- premises liability
- negligence

PRACTICE AREAS

civil procedure

personal injury

premises liability

negligence

QUESTIONS PRESENTED

1. Whether the court should permit jurisdictional discovery because the record did not establish whether Plaintiffs' claimed special damages were a reasonable estimate for purposes of the amount-in-controversy requirement.
2. Whether Plaintiffs should be ordered to disclose the special damages incurred to date in connection with the court's evaluation of subject matter jurisdiction.

HOLDINGS

1. Jurisdictional discovery was warranted because the court needed a more satisfactory factual showing to determine whether the amount-in-controversy requirement for diversity jurisdiction was satisfied.
2. Plaintiffs were ordered to disclose their special damages incurred to date to Costco and file the disclosure with the court within thirty days of the order.

KEY QUOTATIONS

“Jurisdictional discovery “should ordinarily be granted where pertinent facts bearing on the question of jurisdiction are controverted or where a more satisfactory showing of the facts is necessary.”” (at 2)

FACTUAL BACKGROUND

Gloria Brockman was struck in the flank by a Costco employee using a shopping cart. Gloria and Willie Brockman asserted state-law claims for negligence, premises liability, and loss of consortium. Plaintiffs sought special damages, including medical expenses, and stated in an alternative dispute resolution package that they sought \$5,000,000 in several categories of special damages. Costco stated that Plaintiffs had not provided their medical bills and had declined to stipulate that their damages were less than \$75,000.

PROCEDURAL HISTORY

Plaintiffs filed state-law claims in the Superior Court of California, County of San Diego, on May 15, 2025. Costco removed the action to the Southern District of California on June 23, 2025, invoking diversity jurisdiction under 28 U.S.C. § 1441(b). After issuing an order to show cause regarding remand, the court concluded that the record required a more satisfactory showing concerning the amount in controversy and ordered Plaintiffs to disclose their special damages incurred to date.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. Plaintiffs were directed to disclose their special damages incurred to date to Costco and file the disclosure with the court within thirty days of August 1, 2025. The court would determine afterward whether further briefing was necessary.

CASES CITED

- Laub v. U.S. Department of the Interior, 342 F.3d 1080, 1093 (9th Cir. 2003)

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