

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

OPINION

Brockman v. Costco Wholesale Corporation

PER CURIAM.

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6 UNITED STATES DISTRICT COURT

7 SOUTHERN DISTRICT OF CALIFORNIA

8 9 GLORIA BROCKMAN and WILLIE Case No.: 3:25-cv-01603-H-DEB

BROCKMAN,

10

ORDER DIRECTING PLAINTIFF

Plaintiffs,

11 TO DISCLOSE SPECIAL DAMAGES

v. 12

COSTCO WHOLESALE

13 CORPORATION and DOES 1 through 14 10, inclusive, 15 Defendants. 16 17 On May 15,
2025, Plaintiffs Gloria and Willie Brockman filed a complaint in the 18 Superior Court of
California, County of San Diego against Defendant Costco Wholesale 19 Corporation (“Costco”).
(Doc. No. 1-2, Compl.) On June 23, 2025, Costco removed the 20 action to the United States
District Court for the Southern District of California pursuant 21 to 28 U.S.C. § 1441(b) on the
basis of diversity jurisdiction. (Doc. No. 1, Notice of 22 Removal.) Plaintiffs’ complaint asserts
state-law claims for negligence, premises liability, 23 and loss of consortium. (Compl. ¶¶ 10–21.)
Plaintiffs’ claims arise from an incident where 24 Plaintiff Gloria Brockman was hit by a Costco
employee in her flank with a shopping cart. 25 (Compl. ¶ 7.) Plaintiffs seek, among other
remedies, special damages, including medical 26 expenses. (Id. at 5.) Plaintiffs served Defendant
with an alternative dispute resolution 27 package along with the complaint. (Doc. No. 1-3, Ex. A.)
The alternative dispute 28 resolution package contained a statement of damages, where Plaintiffs
indicated they 1 }sought \$5,000,000 in several categories of special damages, including medical
expenses to 2 ||date. (Id. at 10.) On June 26, 2025, the Court ordered Defendant to show cause
why the 3 || case should not be remanded to state court and provided Plaintiff an opportunity to
respond. 4 ||(Doc. No. 4.) As discussed in the order to show cause (“OSC”), the record as it stands

does 5 contain enough information to satisfy the Court that the amount in controversy 6 requirement to establish diversity jurisdiction under 28 U.S.C. § 1332 has been met. (Id.) 7 On July 21, 2025, Defendant filed their response to the Court's OSC. (Doc. No. 7.) 8 ||In its response, Defendant stated that it has asked Plaintiffs for their medical bills incurred 9 || to date but that Plaintiffs have not provided them. (Id. at 3.) Defendant also stated that it 10 || met and conferred with Plaintiffs regarding damages and that, during the meet and confer, 11 Plaintiffs would not stipulate that their damages were less than \$75,000. (Id. at 2-3.) 12 ||Finally, Defendant requested that the Court order Plaintiffs to disclose their special 13 || damages and to allow for additional briefing on the Court's OSC. (Id. at 6.) Plaintiffs did 14 file a response to the Court's OSC. 15 Jurisdictional discovery "should ordinarily be granted where pertinent facts bearing 16 ||on the question of jurisdiction are controverted or where a more satisfactory showing of 17 || the facts is necessary." *Laub v. U.S. Dept. of the Interior*, 342 F.3d 1080, 1093 (9th Cir. 18 2003). Because the Court cannot determine whether the amounts listed in Plaintiffs' 19 statement of damages are a reasonable estimate, the Court requires a more satisfactory 20 || showing of the facts in order to determine if it has subject matter jurisdiction. Accordingly, 21 Court orders Plaintiff to disclose the special damages it has incurred to date to 22 || Defendant and to file the disclosure with the Court within thirty (30) days of the date of 23 ||this order. The Court will determine if further briefing is necessary after reviewing 24 || Plaintiffs' special damages disclosure. 25 IT IS SO ORDERED. 26 || DATED: August 1, 2025 hw Ln A th, bs 27 MARILYN L) HUFF, DistrictQdge 28 UNITED STATES DISTRICT COURT