

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Jones v. Greyhound Lines, Inc.

No. 25-cv-05150-JD (N.D. Cal. Aug. 25, 2025) · No. 25-cv-05150-JD · Decided August 25, 2025

SUMMARY

The United States District Court for the Northern District of California grants plaintiff Devonna Jones’s motion to remand her employment-law action to state court. The court concludes that the individual California defendant was not shown to be fraudulently joined because California Labor Code section 1102.5 may permit individual liability, creating at least a possibility of a viable claim and defeating diversity jurisdiction.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	James Donato
JURISDICTION	United States District Court for the Northern District of California
DECIDED	August 25, 2025
DOCKET	25-cv-05150-JD
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff moved to remand an employment-law action removed from California state court on the basis of diversity jurisdiction. The district court considered whether the non-diverse individual defendant had been fraudulently joined.
STANDARD OF REVIEW	On a motion to remand, the removing party bears the burden of establishing federal jurisdiction. Fraudulent joinder requires a showing of actual fraud in pleading jurisdictional facts or that the plaintiff cannot establish any cause of action against the non-diverse defendant; the inquiry is less demanding than Rule 12(b)(6) review and asks whether there is any nontrivial possibility that a state court would find a viable cause of action.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown

TOPICS

- subject matter jurisdiction
- civil procedure
- whistleblower
- statutory interpretation

PRACTICE AREAS

civil procedure

employment law

federal jurisdiction

whistleblower retaliation

QUESTIONS PRESENTED

1. Whether Angela Murff was fraudulently joined so that her California citizenship could be disregarded for purposes of diversity jurisdiction.
2. Whether the possibility of individual liability under California Labor Code § 1102.5 required remand notwithstanding defendants' reliance on federal decisions dismissing similar claims under Rule 12(b)(6).

HOLDINGS

1. Murff was not fraudulently joined because defendants did not establish that Jones had no possibility, above the trivial or frivolous level, of stating a California Labor Code § 1102.5 retaliation claim against her individually.
2. Because Murff's California citizenship could not be disregarded, complete diversity was absent and the action had to be remanded to state court.

KEY QUOTATIONS

“There are two ways to establish fraudulent joinder: ‘(1) actual fraud in the pleading of jurisdictional facts, or (2) inability of the plaintiff to establish a cause of action against the non-diverse party in state court.’” (at 1-2)

“If there is any possibility above the trivial or frivolous that the plaintiff can state a claim against the non-diverse defendant, “the federal court must find that the joinder was proper and remand the case to the state court.”” (at 2)

“Because the plain language of the statute could be read to contemplate individual liability, possibility Jones may state a cause of action against Murff.” (at 2)

FACTUAL BACKGROUND

Devonna Jones sued her former employer, Greyhound Lines, Inc., and former supervisor, Angela Murff, on California employment claims, including whistleblower retaliation under California Labor Code § 1102.5. Jones and Murff were California residents, while Greyhound was diverse from Jones. Defendants argued that Murff was fraudulently joined because she could not be individually liable under section 1102.5, but the court found that the statute's reference to an employer or any person acting on the employer's behalf left open a possibility of individual liability.

PROCEDURAL HISTORY

Jones filed state-law employment claims against Greyhound Lines, Inc. and Angela Murff in the San Francisco County Superior Court. Defendants removed the action to the Northern District of California under 28 U.S.C. § 1332(a)(1), asserting that Murff was fraudulently joined. Jones moved to remand, and the district court granted remand to the Superior Court of the State of California for the City and County of San Francisco.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The case was remanded to the Superior Court of the State of California for the City and County of San Francisco. Each side was ordered to bear its own costs and fees in connection with the removal and remand proceedings.

CASES CITED

- Dole v. Verisk Analytics, Inc., No. 22-cv-06625-JD, 2023 WL 2985116, at *1 (N.D. Cal. Apr. 17, 2023)
- Hansen v. Grp. Health Coop., 902 F.3d 1051, 1057
- Hawaii ex rel. Louie v. HSBC Bank Nev., N.A., 761 F.3d 1027, 1034
- California v. AbbVie Inc., 390 F. Supp. 3d 1176, 1180 (N.D. Cal.)
- Shamrock Oil & Gas Corp. v. Sheets, 313 U.S. 100, 109 (1941)
- Geisse v. Bayer HealthCare Pharms. Inc., No. 17-cv-07026-JD, 2019 WL 1239854, at *2 (N.D. Cal. Mar. 18, 2019)
- Grancare, LLC v. Thrower by and Through Mills, 889 F.3d 543, 548-50
- Hunter v. Philip Morris USA, 582 F.3d 1039, 1046
- Cao v. Bank of Am., N.A., No. 24-CV-01195-JD, 2025 WL 660248 (N.D. Cal. Feb. 28, 2025)
- Carvalho v. Equifax Info. Servs., LLC, 629 F.3d 876, 889
- Tan v. InVentiv Health Consulting Inc., No. CV 19-07512-CJC(ASX), 2019 WL 5485654, at *3 (C.D. Cal. Oct. 24, 2019)
- Ferguson v. Marsh & McLennan Agency LLC, No. 21-CV-00585-JST, 2021 WL 4974798, at *4 (N.D. Cal. June 10, 2021)
- Reno v. Baird, 18 Cal. 4th 640 (1998)
- Jones v. Lodge at Torrey Pines Partnership, 42 Cal. 4th 1158 (2008)

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