

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Jared Rasmussen v. Fox Corporation; Fox Cable Network Services,
LLC; Christopher Ganny; Gregory Ochotorena; Diijon Williams;
Anna Druker; and Does 1-20, inclusive

Rasmussen v. Fox Corp. · No. 2:25-cv-08115-SPG-PVC · Decided November 21, 2025

SUMMARY

The United States District Court for the Central District of California denied Jared Rasmussen’s motion to remand his employment-related action against Fox entities and individual defendants. The court held that the individual defendants were fraudulently joined because the claims for intentional and negligent infliction of emotional distress were barred by California’s two-year statute of limitations. After discounting those defendants’ citizenship, the court concluded that removal was proper and did not reach the parties’ remaining arguments concerning snap removal and other grounds for fraudulent joinder.

CASE DETAILS

COURT	United States District Court for the Central District of California
JURISDICTION	United States District Court for the Central District of California
DECIDED	November 21, 2025
DOCKET	2:25-cv-08115-SPG-PVC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to remand an employment-related action removed from California state court on the basis of diversity jurisdiction, arguing that removal violated the forum defendant rule and was procedurally defective because it occurred before service. The court denied the motion to remand.
STANDARD OF REVIEW	The removing defendant bears the burden of establishing that removal is proper, and doubts concerning removal jurisdiction are resolved in favor of remand. In assessing fraudulent joinder, the court may pierce the pleadings and consider summary-judgment-type evidence.
PRECEDENTIAL VALUE	unpublished district court order

PARTIES

Jared Rasmussen v. Fox Corporation, Fox Cable Network Services, LLC, Christopher Ganny, Gregory Ochotorena, Dijon Williams, Anna Druker, Does 1-20, inclusive

TOPICS

civil procedure

subject matter jurisdiction

statute of limitations

employment law

ada / disability

PRACTICE AREAS

civil procedure

employment law

employment discrimination

torts

QUESTIONS PRESENTED

1. Whether the Individual Defendants were fraudulently joined because Rasmussen's intentional- and negligent-infliction-of-emotional-distress claims against them were barred by California's two-year statute of limitations.
2. Whether fraudulent joinder may be applied when a nondiverse defendant implicates the forum defendant rule but does not destroy complete diversity.
3. Whether removal before formal service was procedurally barred under 28 U.S.C. § 1446(b)(1).
4. Whether the Individual Defendants' citizenship should be disregarded for purposes of applying the forum defendant rule.

HOLDINGS

1. The fraudulent-joinder doctrine applies when a forum-state defendant triggers the forum defendant rule but does not destroy complete diversity; a defendant who was not properly joined because no viable state-law claim can be stated against that defendant need not be considered under 28 U.S.C. § 1441(b)(2).
2. The Individual Defendants were fraudulently joined because Rasmussen's intentional- and negligent-infliction-of-emotional-distress claims accrued no later than his July 21, 2023 termination and were barred by California's two-year statute of limitations when he filed suit on August 27, 2025.
3. After disregarding the Individual Defendants as fraudulently joined, the remaining parties did not violate the forum defendant rule, and removal was proper.
4. Section 1446(b)(1) does not bar a defendant from filing a notice of removal before formal service; the statute establishes a removal deadline rather than a period during which removal is prohibited.

KEY QUOTATIONS

“Under such circumstances, the Individual Defendants are deemed “sham defendants for purposes of removal,” and their citizenship must be discounted.” (p. 10)

“The plain text of 1446(b)(1) sets a deadline for removal, not a ‘window’ for removal.” (p. 11 n.3)

FACTUAL BACKGROUND

Rasmussen worked for Fox Corporation and Fox Cable Network Services, LLC beginning in September 2017. He alleged retaliation for complaints concerning misappropriation of company funds and sexual assault, workplace injury and failure to accommodate, and termination on July 21, 2023, following an investigation into his expense reports. He asserted emotional-distress claims against the Individual Defendants, all of whom resided in California, and filed suit on August 27, 2025.

PROCEDURAL HISTORY

Rasmussen filed the action in Los Angeles County Superior Court on August 27, 2025. The Fox Defendants removed it to the Central District of California the same day, before any defendant had been served. Rasmussen moved to remand; the court concluded that the Individual Defendants were fraudulently joined because the claims against them were time-barred, discounted their California citizenship, and denied remand.

DISPOSITION

other

CASES CITED

- Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994)
- Caterpillar Inc. v. Lewis, 519 U.S. 61, 68 (1996)
- Abrego Abrego v. The Dow Chem. Co., 443 F.3d 676, 679 (9th Cir. 2006)
- Kanter v. Warner-Lambert Co., 265 F.3d 853, 857 (9th Cir. 2001)
- Shamrock Oil & Gas Corp. v. Sheets, 313 U.S. 100, 108-09 (1941)
- Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)
- Moore-Thomas v. Alaska Airlines, Inc., 553 F.3d 1241, 1244 (9th Cir. 2009)
- Grancare, LLC v. Thrower by & through Mills, 889 F.3d 543, 548-50 (9th Cir. 2018)
- Lee v. City of Los Angeles, 250 F.3d 668, 689 (9th Cir. 2001)
- Khoja v. Orexigen Therapeutics, Inc., 899 F.3d 988, 999 (9th Cir. 2018)
- Morris v. Nuzzo, 718 F.3d 660, 666 (7th Cir. 2013)
- Ekeya v. Shriners Hosp. for Children, Portland, 258 F. Supp. 3d 1192, 1199-1200 (D. Or. 2017)
- Brazell v. Waite, 525 F. App'x 878, 884 (10th Cir. 2013)
- Ritchey v. Upjohn Drug Co., 139 F.3d 1313, 1315, 1318-20 (9th Cir. 1998)
- Fox v. Ethicon Endo-Surgery, Inc., 35 Cal. 4th 797, 806-08 (2005)
- Wassmann v. S. Orange Cnty. Cmty. Coll. Dist., 24 Cal. App. 5th 825, 852-53 (2018)
- Miller v. Bank of Am., Nat'l Ass'n, 858 F. Supp. 2d 1118, 1127 (S.D. Cal. 2012)
- Aryeh v. Canon Bus. Sols., Inc., 55 Cal. 4th 1185, 1192, 1197 (2013)
- Hunter v. Philip Morris USA, 582 F.3d 1039, 1044-45 (9th Cir. 2009)
- McCabe v. Gen. Foods Corp., 811 F.2d 1336, 1339 (9th Cir. 1987)

- Morris v. Princess Cruise, Inc., 236 F.3d 1061, 1068 (9th Cir. 2001)
- Hamilton Materials, Inc. v. Dow Chem. Corp., 494 F.3d 1203, 1206 (9th Cir. 2007)
- Bancorp Leasing & Fin. Corp. v. Agusta Aviation Corp., 813 F.2d 272, 274 (9th Cir. 1987)
- Herriot v. Sanofi-Aventis U.S. LLC, 776 F. App'x 448, 449 (9th Cir. 2019)
- Cavallini v. State Farm Mut. Auto Ins. Co., 44 F.3d 256, 263 (5th Cir. 1995)
- Mayes v. Am. Hallmark Ins. Co. of Tex., 114 F.4th 1077, 1079 (9th Cir. 2024)

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