

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Sondra Scott and Richard Scott v. Albertsons Companies, Inc., et al.

Scott v. Albertsons · No. 2:25-cv-07007-MEMF-SP · Decided August 20, 2025

SUMMARY

The United States District Court for the Central District of California granted Plaintiffs' ex parte application to remand the personal injury action to Los Angeles County Superior Court. The court held that removal was improper because the removing defendant failed to obtain or establish consent from all required defendants, including parties who had agreed in principle to settlements but had not been formally settled out of the case.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Maame Ewusi-Mensah Frimpong
JURISDICTION	United States District Court for the Central District of California
DECIDED	August 20, 2025
DOCKET	2:25-cv-07007-MEMF-SP
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendant Longs Drugs Stores removed a California personal-injury action to federal court on diversity-jurisdiction grounds. Plaintiffs moved ex parte to remand, asserting that removal was defective because all properly joined and served defendants had not consented.
STANDARD OF REVIEW	The district court independently examined whether subject matter jurisdiction existed and whether removal complied with the federal removal statutes.
PRECEDENTIAL VALUE	Unpublished district-court civil-minutes order; precedential status is unknown.

TOPICS

- subject matter jurisdiction
- civil procedure
- negligence
- strict liability
- personal injury

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Chanel, Inc. and Christian Dior Perfumes LLC were nominal parties whose consent to removal was unnecessary because the plaintiffs had agreed in principle to settlement terms with them.
2. Whether removal was improper under the rule of unanimity because Longs failed to obtain or prove the consent of all properly joined and served defendants.
3. Whether the district court should permit Longs an opportunity to cure the alleged consent defect.

HOLDINGS

1. Defendants who have only agreed in principle to settlement, without binding written agreements, released claims, or completed payment, are not nominal parties for purposes of the rule of unanimity.
2. When an action is removed solely under 28 U.S.C. § 1441(a), all properly joined and served defendants must join in or consent to removal; failure to establish the required consent makes remand proper.
3. A federal district court must independently determine whether subject matter jurisdiction exists and may raise the issue sua sponte at any point in the litigation.

KEY QUOTATIONS

“Federal courts are courts of limited jurisdiction and, as such, “have an independent obligation to determine whether subject matter jurisdiction exists.”” (Civil Minutes — General, page 2)

“When a civil action is removed solely under section 1441(a), all defendants who have been properly joined and served must join in or consent to the removal of the action.” (Civil Minutes — General, page 2)

“The consent of these defendants was therefore necessary for removal, and Longs has not provided proof of any such consent, but rather asserts that the consent is unnecessary.” (Civil Minutes — General, page 2)

FACTUAL BACKGROUND

The underlying action is a personal-injury case involving claims for negligence, strict liability, negligent misrepresentation, fraudulent concealment, fraudulent misrepresentation, and loss of consortium. Plaintiffs had agreed in principle to settlement terms with defendants Chanel, Inc. and Christian Dior Perfumes LLC, but no binding written settlement agreements had been signed, no claims had been released, and no settlement payments had been made. Longs removed the case without providing proof that Chanel and Christian Dior had consented to removal, arguing instead that they were nominal parties because of the proposed settlements.

PROCEDURAL HISTORY

Plaintiffs filed the action in Los Angeles County Superior Court on or about February 25, 2025. Longs removed the case on July 30, 2025, and Plaintiffs moved to remand on August 7, 2025. Longs opposed, Colgate-Palmolive Company filed an amended joinder, and the district court granted the remand application because Longs failed to show consent from all defendants whose consent was required.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The action is remanded to Los Angeles County Superior Court.

CASES CITED

- Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994)
- Arbaugh v. Y&H Corp., 546 U.S. 500, 501 (2006)
- Ruhrgas AG v. Marathon Oil Co., 526 U.S. 574, 583 (1999)
- United Computer Sys., Inc. v. AT&T Corp., 298 F.3d 756, 762 (9th Cir. 2002)
- Hewitt v. City of Stanton, 798 F.2d 1230, 12333 (9th Cir. 1986)
- Hartford Fire Ins. Co. v. Harleysville Mut. Ins. Co., 736 F.3d 255, 260 (4th Cir. 2013)
- Mission Power Eng'g Co. v. Cont'l Cas. Co., 883 F. Supp. 488, 490 (C.D. Cal. 1995)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-central-district-of-cal/2025/sondra-scott-and-richard-scott-v-albertsons-companies-inc-gw2g6ilj>