

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Stephen M. Farmer v. Foot Locker Retail, Inc. et al.

Farmer · No. 2:25-cv-09672-RGK-MBK · Decided January 6, 2026

SUMMARY

The United States District Court for the Central District of California denied Plaintiff Stephen M. Farmer’s motion to remand his action against Foot Locker Retail, Inc. to Los Angeles Superior Court. The court held that the fictitious defendant identified as “Employee Sam” could not defeat diversity jurisdiction under 28 U.S.C. § 1441(b), because the defendant’s full identity and pertinent identifying information had not been provided in the operative complaint. The court therefore deferred consideration of the citizenship of the later-identified individual until he was properly substituted as a party.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	R. Gary Klausner
JURISDICTION	United States District Court for the Central District of California
DECIDED	January 6, 2026
DOCKET	2:25-cv-09672-RGK-MBK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to remand a removed state-court action to the Los Angeles Superior Court, arguing that the presence of a California employee defendant defeated complete diversity.
STANDARD OF REVIEW	The removing defendant bears the burden of establishing federal subject-matter jurisdiction. When a jurisdictional fact is contested, the defendant must establish it by a preponderance of the evidence, and removal statutes are strictly construed against removal.
PRECEDENTIAL VALUE	Unknown; district court civil minutes order with no reporter citation
PARTIES	Stephen M. Farmer v. Foot Locker Retail, Inc., Employee Doe, Employee Sam

TOPICS

subject matter jurisdiction

civil procedure

federalism

PRACTICE AREAS

civil procedure

federal jurisdiction

removal

QUESTIONS PRESENTED

1. Whether a defendant identified only by the fictitious designation Employee Sam must be considered for purposes of determining complete diversity and removal jurisdiction under 28 U.S.C. § 1441(b).
2. Whether the information provided about Employee Sam was sufficient to treat him as an actual, rather than fictitious, defendant for diversity-jurisdiction purposes.

HOLDINGS

1. The citizenship of a defendant sued under a fictitious name must be disregarded when determining whether an action is removable on the basis of diversity jurisdiction under 28 U.S.C. § 1441(b).
2. A first name, physical description, workplace information, and alleged involvement in the incident were insufficient to convert Employee Sam from a fictitious defendant into an identified party for purposes of the remand motion.

KEY QUOTATIONS

“The statute governing removal of cases to federal court states plainly that “in determining whether a civil action is removable on the basis of the jurisdiction under section 1332(a) of this title, the citizenship of defendants sued under fictitious names shall be disregarded.”” (at 2)

“For the foregoing reasons, the Court DENIES Plaintiff’s Motion to Remand.” (at 3)

FACTUAL BACKGROUND

Farmer, a California citizen, sued Foot Locker, a New York citizen, and an employee identified only as Employee Sam in California state court. The complaint alleged that Employee Sam worked at a California Foot Locker store and was involved in the underlying incident, but did not provide his full identity or other pertinent identifying information. Farmer asserted that Employee Sam was a California citizen and therefore defeated complete diversity.

PROCEDURAL HISTORY

Farmer filed state-law claims in California state court on August 7, 2025. Foot Locker removed the action on October 9, 2025, invoking diversity jurisdiction. Farmer later filed a Corrected First Amended Complaint identifying the fictitious employee as Employee Sam and moved to remand. The district court denied the motion.

DISPOSITION

other

CASES CITED

- Abrego Abrego v. Dow Chemical Co., 443 F.3d 676, 682-83 (9th Cir. 2006)
- Dart Cherokee Basin Operating Co., LLC v. Owens, 574 U.S. 81, 89 (2014)
- Gaus v. Miles, Inc., 980 F.2d 564, 566-67 (9th Cir. 1992)
- McNutt v. General Motors Acceptance Corp., 298 U.S. 178, 189 (1936)
- W. Dental Servs., Inc. v. Media Direct Inc., 2019 WL 6998762, at *4 (C.D. Cal. July 19, 2019)
- Bee v. Walmart Inc., 2022 WL 782382 (C.D. Cal. Mar. 15, 2022)

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